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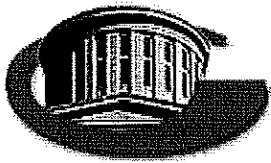
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State Tax Revenue Continues To Tank But Budget Office Still Sees Coffers Ending Fiscal Year In The Black

Tax revenue fell below estimates for the ninth straight month in May and now stands \$840.7 million in arrears compared to original budget planning numbers, the Office of Budget and Management reported Tuesday.

Preliminary revenue data show lagging personal income tax receipts continue to be the main culprit, as the category came in \$88.7 million, or nearly 14%, behind schedule.

State coffers gained some of that underage back in other taxes collected in May, most notably the commercial activity tax, which was almost \$27 million (10.6%) above estimates for the month. However, total tax intake for May was \$67 million, or 3.3%, less than OBM anticipated when planning for state budget expenditures several months ago.

OBM Director Tim Keen saw the writing on the wall earlier this year when he announced along with legislative leaders that plans for the upcoming two-year state spending plan would have to be adjusted downward considerably. Republican leaders have subsequently expressed concerns that the plummeting trajectory of PIT collections may force budget crafters to make an even larger adjustment during conference committee deliberations later this month.

Director Keen said in an interview that the shortfall is consistent with what analysts expected when they announced the need to adjust spending downward by at least \$800 million.

He said the sales tax could be affected by a variety of factors, including price deflation, a shift from purchases of goods to services and a shift in buying patterns from brick-and-mortar stores toward online retailers, which aren't necessarily taxed.

"On the withholding side of the personal income tax, we know we're a manufacturing dependent state, there was some weakness in manufacturing over the past couple of years, through the end of last year, and that manifests itself in some of the withholding results that we've seen," he said.

He said the weakness in tax receipts has been consistent over about the past 18 months, and that the state will have to adjust accordingly.

"I think what we just have to do is adapt to what we have seen as we put the next budget together," he said. "We will take what we have seen in our revised estimates later this month and try to put together appropriately conservative revenue estimates that we think will reflect the economy and the tax liability that Ohioans will have."

Agency spokesman John Charlton said analysts still see the state ending FY 2017 in the black. That's because spending on state programs, especially Ohio's share of Medicaid, has significantly lagged projections for the year.

OBM's monthly financial report issued in May showed General Revenue Fund underspending at about \$1.17 billion, with Medicaid accounting for more than \$872 million of the total.

Nevertheless, since the upcoming budget will be built on reduced revenue assumptions moving forward, officials are still planning for less spending in the FY 2018-2019 plan compared to the levels initially proposed by Gov. John Kasich.

Mr. Charlton said it remains to be seen how much adjusting will be necessary in conference committee. The final projections will be made available to conferees in a couple of weeks, he said.

The latest revenue numbers come a week ahead of the Senate's unveiling of its first round of changes to the biennial budget measure (HB 49). Senate President Larry Obhof (R-Medina) has already signaled that the chamber will cut spending in the document well below what was approved in the House.

Democrats, meanwhile, continued to blame tax cuts for the wealthy for the lagging revenue.

"The TV weatherman is right more than Ohio Republicans have been about Ohio's financial future," House Minority Leader Fred Strahorn (D-Dayton) and Rep. Jack Cera (D-Bellaire) said in a statement. "Meanwhile, with every month that passes, taxpayers have a front row seat to see how years of deep cuts to schools and communities, tax shifting and tax giveaways for millionaires and billionaires are pushing our economy further out of balance and charting a collision course of uncertainty and failure."

The Kasich Administration has said repeatedly that the tax cuts helped create jobs and are not responsible for revenue coming in below projections.

Agencies Ask Senate To Keep House Budget Changes On Drug Crisis

Representatives of behavioral health and children services agencies urged the Senate Tuesday to maintain programs and funding added to the budget by the House to fight the opiate crisis.

The \$170 million in funding and earmarks the House included in the budget bill (HB 49) includes money for stabilization and treatment centers, kinship care and children services agencies affected by the state's drug problem. (See Gongwer Ohio Report, April 25, 2017)

Representatives from county behavioral health providers and children services agencies told the Senate Finance Committee that, despite the tight budget situation lawmakers face with struggling revenue, the money is badly needed.

Cheri Walter, CEO of the Ohio Association of County Behavioral Health Authorities, said the mental health and addiction system can't keep up with the need. She urged the Senate to maintain increased funding added in the House for drug addiction and mental health.

"The opiate epidemic just is continuing to grow," she said.

She said boards looked at what was needed to maintain their continuum of care, and saw that detox and isolation services were the most lacking. The House changes include money for new detox and crisis centers.

"If there's one area that cries for additional funds, it's addressing people who have an opiate addiction or a mental illness," she said. "We've got to do something different or we're going to continue to see more people die from overdoses and suicides."

She said the facilities would be expected to treat about 7,400 people a year.

Sen. Michael Skindell (D-Lakewood) asked what would happen to patients after the seven days they stay in a center for withdrawal.

"To address this, do you need a greater amount of patients to stay beyond that seven days for withdrawal?" he asked.

Ms. Walter said it depends on the individual. Some people just need to get out of their environment, some can go back after getting on medication-assisted treatment, some need recovery housing and some need residential treatment.

Angela Sausser, executive director of the Public Children Services Association of Ohio, said the opiate crisis is putting a serious burden on the children services system.

"Ohio's children services system has received no new state funding to address this epidemic and the surge in cases. In fact, state funds for county children services agencies were cut 21% in 2009 and have been flat funded since 2010," she said.

She urged the Senate to maintain the \$15 million per year increase added by the House and to find a way to add another \$15 million.

Sen. Charleta B. Tayares (D-Columbus) asked about the effect of the crisis across the state, because all agencies don't have levies to help support them.

Ms. Sausser said many counties that have levies are considering going back to voters for another levy.

Opponents Propose Making OVEC Subsidy Bypassable, Seek Other Changes

Witnesses on Tuesday suggested lawmakers make a proposed subsidy for co-owners of the Ohio Valley Electric Corporation plants bypassable, among other changes.

Their suggestions came during the House Public Utilities Committee's third hearing on a bill (HB 239) that would permit AEP Ohio, Dayton Power & Light, Duke Energy and FirstEnergy or their subsidiaries to recoup costs stemming from OVEC's operation.

At the same time, opponents said the bill would drive up consumer costs and further tie the state to outdated energy sources by propping up two coal-fired plants. And they pushed back on sponsor and proponent claims the bill ties into the nation's current national security interests.

Industrial Energy Users-Ohio counsel Sam Randazzo testified as an interested party, making several suggestions that he said would improve the legislation. In addition to making the charges bypassable, he said charges that aren't bypassable should be capped and sunsetted after a certain date.

"From my perspective, the more important thing is to make sure the owners and people who have control of these facilities have skin in the game, so they're still motivated to fix the problems that exist at OVEC," Mr. Randazzo replied to a query from Chairman Rep. Bill Seitz (R-Cincinnati).

Rep. Rick Carfagna (R-Westerville), who sponsored the bill with Rep. Ryan Smith (R-Bidwell), asked whether making the provision bypassable would benefit OVEC owners' competitors, which could then tout that their customers don't bear those costs.

"We only get into that scenario because somebody decided customers should be responsible for OVEC costs," Mr. Randazzo answered. "So our primary pitch is: don't transfer costs to customers and we don't have the problem you just described."

Michael Kurtz, counsel to the Ohio Energy Group, also suggested making the charges bypassable. He added that lawmakers should adopt a circuit breaker that would trigger if the rider exceeds 5% of the standard service offer for non-shoppers.

He said the legislation should authorize rather than mandate cost recovery and suggested requiring OVEC owners to absorb 20% of their share of net costs, effectively ensuring they are incentivized to reduce costs and maximize revenues.

Opponents argued the legislation would undermine the open market, but proponents in previous testimony said it would have little if any impact on the markets and that it would recognize the companies' contributions to national security. (See Gongwer Ohio Report, May 31, 2017)

"It is consistent with state policy as customers will retain the ability to shop for the retail supplier of their choice and it will not impact wholesale markets or competition," Amy Spiller, Duke's deputy general counsel, said. "Finally, it preserves customer protection including appropriate regulatory oversight by FERC and the PUCO."

But witnesses Tuesday urged the committee to scrap the bill because it will drive up customer costs. They also questioned the premise that the bill is tied to national security as sponsors and proponents have suggested. Although OVEC formed at the request of the Atomic Energy Commission during the 1950s, the plants no longer serve that security function, they said.

"They used to be national security assets, but starting in 2000, they just became power plants," the Sierra Club's Nachy Kanfer said. Utilities' investment since 2000, he said, "has turned out to be a bad decision, but that's not Ohio customers' fault and it has nothing to do with national security."

Michael Haugh of the Ohio Consumers' Counsel argued Ohio already has the 18th highest average residential rate for electricity and that the bill could only worsen that statistic.

"The owners of OVEC are asking for passage of a bill that would make millions of Ohio customers pay more subsidies," Mr. Haugh said. "The utilities are seeking to shift the investor risk for OVEC to their customers. That is unfair to Ohio families and businesses who would pay this subsidy."

Other opponents testifying or submitting written testimony include the Ohio Manufacturers' Association, the Ohio Environmental Council Action Fund, the Ohio League of Women Voters, Clean Energy Future, the Environmental Defense Fund, and Ohio Citizen Action.

Rep. Seitz has said he expects the bill to receive a committee vote the week of June 20. A Senate companion bill (SB 155) is scheduled for a second hearing Thursday before the Senate Public Utilities Committee.

Business, City Interests Urge Retention Of House Amendments To BWC Budget

Business interests, local governments and citizens on Tuesday spoke in favor of the Bureau of Workers' Compensation's two-year budget.

The bill (HB 27) contains several controversial provisions, including a prohibition on coverage of illegal aliens, which several individuals urged members of the Senate Insurance & Financial Institutions Committee to keep in the budget.

Business interests and the Ohio Municipal League, however, spoke in favor of other portions of the bill.

Josh Brown, director of communications for OML, told members of the panel that a provision regarding firefighter cancer coverage was a compromise reached between cities and villages and the firefighters' union. The language puts the burden on the employers of cancer-stricken firefighters to prove, based on scientific evidence, that the cancer in question could not have resulted from a firefighter's exposure to a carcinogen while on the job.

Sen. Edna Brown (D-Toledo) questioned another provision in the bill that would shorten the statute of limitations to file a claim from two years to just one.

Mr. Brown took no position on the provision, but nonetheless urged members to support the bill as a whole.

But in written testimony, others expressed support for that portion of the \$566.5 million measure.

"Early reporting of an injury leads to faster treatment and better outcomes for all parties," wrote Don Boyd, director of labor and legal affairs at the Ohio Chamber of Commerce. "This will increase efficiency and provide greater predictability in the workers' compensation setting. Further, this provision does not change the statute of limitations for occupational diseases that may develop over a longer period of time."

Chris Ferruso, legislative director of the NFIB/Ohio, also provided written testimony in support of the provision, which he said will put Ohio in line with 19 other states.

"We believe the earlier an injury gets reported and treated, the better it is for all parties involved," he wrote. "This reform will provide a degree of certainty for business owners so an injury that occurred nearly two years ago does not appear out of nowhere and disqualify them from group discount programs."

Mr. Ferruso also expressed support for a provision that he said is aimed at making sure injured workers and engaged in the return to work process and another that will allow the BWC to clear its backlog of permanent partial disability requests.

OML Executive Director Kent Scarrett said in written testimony that the backlog numbers 20,000.

Under the provision, the BWC will be permitted to dismiss a claim after the injured worker misses two appointments with no notice.

"As with current practice, the BWC could only dismiss the claims after numerous attempts to contact the injured worker," he wrote. "Meanwhile, the provisions would continue to protect the workers by allowing them to re-file such claims after dismissal."

Others provided written testimony in favor of the most controversial aspect of the bill, which would allow the state to deny benefits to illegal aliens.

"Illegal aliens are not able to receive food stamps, Medicaid (unless emergency), and unemployment compensation here in Ohio. Why Workman's Compensation benefits?" John Muzik asked.

Julie Aldrich of Portage County raised the specter that some illegal aliens who have left the country are receiving benefits while working.

"As it stands prior to HB27 an illegal alien who receives benefits from BWC and is either deported or returns willingly to his home country, it would be extremely difficult to observe the illegal alien for fraud," she wrote.

Arzella Melnyk of Lake County said the legislation will hold "unscrupulous employers accountable that choose to hire anyone that cannot legally work in Ohio."

Chairman Sen. Jay Hottinger (R-Newark), who last week expressed skepticism about the illegal alien provision (See Gongwer Ohio Report, May 30, 2017), said a vote on the bill is likely to occur on June 20.

House Panel Advances Computer Science Learning Standards Opposed By Democrats

A measure creating computer science standards for schools was reported out of a House committee on Tuesday without Democrat support.

The measure (HB 170), which moved through the House Education and Career Readiness Committee, caught opposition from some lawmakers because it would allow students to substitute computer science courses for Algebra II in districts that have adopted the permissive standards.

Members on Tuesday also approved an amendment ensuring that only advanced computer science course meeting certain criteria would be eligible to replace the math course as a graduation requirement. The change did little to allay concerns, however.

"I think we should be encouraging students to go into computer science, but I don't want to sacrifice what is necessary," Rep. Dan Ramos (D-Lorain) said, arguing that knowledge of Algebra II is required to pursue a career in computer science or engineering.

Republicans tabled an amendment he offered to prohibit substitutions for Algebra II.

Rep. Teresa Fedor (D-Toledo) said she couldn't support the legislation because she wanted to gather more stakeholder input on the substitution of courses.

"Too many times in Ohio we put the cart before the horse and we have to back the cart back into the bar and start over and all these kids in the meantime are stuck in the vortex of all our mistakes of not being thorough," she said.

Pointing out that more than 30 witnesses testified in support of the measure over the course of five hearings, Chairman Rep. Andy Brenner (R-Powell) said there is nothing that would preclude students from taking Algebra II in addition to an advanced computer science course.

"We've got great guidance counselors in the state of Ohio who do their jobs and make sure every student is on the best pathway that works best for them," he said, suggesting that students who are college bound would likely enroll in Algebra II.

The Department of Education helped create the accepted amendment, which agency legislative liaison Brad Ingraham said would give students flexibility to explore their interests in computer science while still engaging in advanced coursework.

"The amendment will ensure that only a course of equivalent rigor...may be an alternative to Algebra II," he said, telling the committee that the math course became a graduation requirement in the 2012-13 school year.

The department also backed another amendment approved by the committee that clarifies teachers who are endorsed for computer technology must have content knowledge of computer science before teaching classes on the topic. Mr. Ingraham said Ohio doesn't currently offer a computer science endorsement for teachers.

Members also accepted an amendment from the chairman that permits e-schools to establish computer science and technology funds. The original bill permitted all other types of schools to create such funds.

Employees Push Back Against Employer-Mandated Flu Vaccinations

Individual health professionals are urging lawmakers to approve legislation that would make it illegal for employers to fire workers who refuse to get flu shots.

More than 20 witnesses, many affiliated with Ohio Advocates for Medical Freedom, submitted testimony in support of the measure (HB 193) to the House Economic Development, Commerce and Labor Committee on Tuesday.

Sponsored by Rep. Christina Hagan (R-Alliance), the bill is aimed at hospitals and other health care environments where the federal government encourages policies requiring employees to be vaccinated against the flu each year.

Tina Wise, a veteran pharmacist who works at a pediatric hospital, said Centers for Disease Control and Prevention recommendations for flu shots are misguided.

"(Hospitals) claim they have to mandate the flu vaccine to protect their most vulnerable, immunocompromised patients, but the reality of how we protect those patients - how we place them in isolation, how we diligently wash our hands, how we wear protective garb and masks when we are in direct care of those patients - is a completely separate issue from how a flu vaccine actually works," she said.

"I hate to burst everyone's bubble, but flu vaccines do not stop the transmission of any virus outside the body. Both vaccinated and unvaccinated people can spread viruses and bacteria by coughing on or touching a contaminated door knob or surface and then touching hospital equipment or the patients themselves. Flu vaccines do not stop the transmission of any of the 200+ viruses that can cause influenza-like illnesses or any other virus that could be detrimental to our patients."

For the first 20 years of her career, Ms. Wise said she was never questioned about her flu vaccine status, but policies changed about 14 years ago, and now all employees entering her hospital - including contracted workers - must be vaccinated.

She said she hired legal counsel to ensure she wouldn't have to get the vaccine and went through what she called an "arduous" process that included many meetings and various forms of verification before she was permitted to forgo the shot.

Those who aren't eligible for medical or religious exemptions and don't get the shot could face corrective action, up to and including termination, she said.

"The single most disturbing thing about this situation is the on-going violation of a person's right to informed medical consent by holding their job over their head if they don't comply," Ms. Wise said.

Sherri Tenpenny, an osteopathic doctor working in Cuyahoga County, also told the panel in prepared testimony that the flu shot is not effective enough to warrant requiring it as a term of employment.

She pointed to CDC data from 1998-2008 that show the more than 200 strains of the virus caused flu-like illness only 13.9% of the time.

In addition to not protecting against transmission of the virus to others, research shows the rate of employees vaccinated does not correlate to fewer missed work days because of illness, Ms. Tenpenny said.

She also shared with the committee details on the ingredients of flu shots, describing some of them as "problematic" and saying they can cause common reactions.

"Do you want those ingredients injected into your body in exchange for your job?" Mr. Tenpenny asked. "Punishing an informed person who refuses the flu shot by firing them or otherwise discriminating against them is a misuse of governmental power and overreach of public health."

Michelle Cotterman, a registered nurse, also questioned the safety of the vaccine and said employees should have the right to choose whether to get it.

"In 2006, influenza vaccines were added to the table of injuries eligible for compensation through the Vaccine Injury Compensation Program," she said. "Influenza vaccine now is named in the majority of all the VICP petitions - almost two-thirds of all paid injury claims."

A few of those who submitted testimony say they were injured as a result of the vaccination they were required to receive in order to keep their jobs.

Jennifer Daniel, a registered nurse, said she was unable to get a medical exemption from her workplace despite her personal doctor advising against it because of past allergic reactions to medicines and vaccines.

There are only a handful of conditions that result in serious reactions to the vaccine that make individuals eligible for medical exemption, she said.

Subscribers Note: Complete testimony is available on the committee's [website](#) under June 6.

Industry, Environmental Groups Plug Bill To Address 'Orphan' Oil And Gas Wells Across State

In a rare convergence of agreement on oil and gas exploration issues, representatives of the industry and a state environmental advocacy group voiced support Tuesday for a bill dealing with abandoned, or "orphan" wells.

Sponsored by Rep. Andy Thompson (R-Marietta), the measure ([HB 225](#)) would pump more funding into and expedite an existing program that critics say isn't moving quickly enough to address what are likely thousands of unused wells that date to a time when there was little to no regulatory oversight of the industry.

Witnesses testifying before the House Energy and Natural Resources Committee described a landscape dotted with hundreds of known wells and likely hundreds of others that haven't been discovered because they've been farmed over and covered by urban developments.

While the measure would require the Department of Natural Resources to do assessments and prioritize the more problematic wells for plugging, one industry witness said the state should also consider those wells that have been on the abandoned list for years and may be deteriorating to the detriment of the water table.

Rep. Thompson said his bill generally aims to "help property owners and the state to move more expeditiously to identify and plug idle or orphaned wells."

"There is a sense of urgency to this topic: Most of the orphan wells that have been identified emit methane gas in addition to often contributing to the runoff of oil and brine into the soil. As the casing on these wells deteriorates, large areas of groundwater can be contaminated because of the direct pathway that an abandoned well offers. We need to take action to reduce the risk posed to our citizens, to groundwater and to the environment generally," he said.

The sponsor said orphan wells have been identified in 58 of Ohio's 88 counties, mostly in northwest, northeast, and southeast Ohio. "Many of these wells were drilled several generations ago. Under the current orphan well program, it is estimated that it would take 20+ years to plug all of the (more than 600) known orphan wells in the state," he said.

With costs to plug the wells being an average of \$25,000-\$35,000 range, many landowners neglect to report then, the sponsor said. "HB225 eliminates that fear by protecting landowners who are not the original owners of the orphan wells from the costs that come with plugging those wells. At the same time, the property owner will not be taxed on improvement that is being made to their property under this upgraded program."

Under the measure, landowners whose property contains an orphan well will be able to notify ODNR and receive an inspection within 30 days. Additional funding for the program would be provided by increasing the percentage of severance tax payments that get deposited into the state's Oil and Gas Producers Fund from 14% to 45%. The sponsor said the fund currently holds about \$31 million.

Mr. Thompson said there's an economic benefit to the proposal, as the state could hire contractors from a list of 28 firms that have already been certified to plug wells under the current program.

"The slowdown in oil and gas activity over the past two-and-a-half years has hurt these same companies," he said. "Plugging orphaned and idle wells represents an opportunity to help these companies get back on their feet - along with their workforce - while resolving a serious environmental and public health concern."

The bill earned immediate support from the Ohio Farm Bureau Federation, the Ohio Oil & Gas Association and the Ohio Environmental Council.

Jenna Beadle, director of state policy for the OFBF, noted that an estimated 250,000 wells have been drilled throughout the state dating to the late 1800s.

"Over the decades drillers have gone bankrupt, companies have merged, leases have expired, production assets have changed hands, and developers are lost to history. Current ownership of some infrastructure still on the land

is untraceable," she said. "Some landowners are left to address deteriorating well casings that expose adjoining soil and water resources to pollution."

Ms. Beadle said the bill would "strengthen the rules governing orphan wells by creating a schedule for plugging the wells based on the level of urgency associated with the well site."

"Some of these wells are capped fairly well and do not need to be addressed right away. There are many though that pose a great risk to the environment and safety of surrounding wildlife, waterways, and farm fields. ODNR would be able to perform a risk assessment, develop a strategy to plug the potentially thousands of orphan wells in the state, and begin addressing those that have been designated a high priority by the department," she added.

OFBF also supported the plan to bolster the orphan well fund. "At a time when farmers have incurred an average property tax increase of 300%, they cannot be further burdened by the current taxes associated with plugging a well," she said. "Exempting these funds would encourage more landowners to report the existence of orphan wells on their property, create additional financial resources for communities to address this issue, and would create collaboration between ODNR, local governments, and rural residents."

OOGA Executive Vice President Shawn Bennett said that while the state has identified 500-600 orphaned wells, there are likely many thousands more. He provided the panel a history of the Idle and Orphan Well Program, which dates to 1976 and was the first program of its type in the Appalachian Basin, saying the industry would like to see it enhanced.

"Given the amount of revenue contributed to the oil and gas fund, we believe we should be allocating far more resources to this important program," he said.

"The industry strongly supports the I&O program and believes that it is proper for taxes levied on production to be used to correct problems that may have arisen from the early, historic days of the industry. We are proud to point out that our industry directly supports this critical environmental, health and safety issue. Assuring that orphaned wells are plugged is the responsible thing to do and demonstrates our commitment to the welfare of Ohio's citizens."

While ODNR's Oil and Gas Division is "flush" with severance tax revenue thanks to the shale boom, it only allocates \$3 million a year to the program "even though it is legally required to allocate 14% of the previous fiscal year's funds," Mr. Bennett said.

"If the program is given adequate funding, we as an industry are ready and willing participants to help solve a problem that has plagued our state for decades. If this money isn't spent, we as an industry fear it will be pilfered and used for other programs as was done during the Celeste Administration, which would once again skirt the obligations the division is legally required to perform."

Rep. Tim Schaffer (R-Lancaster) asked if the witness was aware of any opposition to the proposal. Mr. Bennett said he couldn't see why given that any type of additional regulation on the industry would probably pale in comparison to the environmental benefits the bill would accomplish.

Mr. Bennett also relayed support for the provisions in the bill regarding ODNR risk assessments, and its tangential industry benefits. Regarding the latter, he said of idled operators, "It would give them something to do, to move forward and get back to work."

Responding to other questions from the panel, Mr. Bennett said: wells could be plugged using Ohio resources such as clay from the Logan area and local concrete; the intent would be to permanently cap the orphan wells; the cost and duration of the each process depends on several factors such as well pressure, casing and condition; the state likely has enough manpower to ramp up the program given the current slowdown in drilling activities; and a reduction in "red tape" would be beneficial to expediting the work.

"If you make it streamlined, we will come in there and do it," he said.

William Kinney, owner and president of Summit Petroleum, Inc., also made a plug for reducing bureaucratic hurdles, telling Rep. Christina Hagan (R-Alliance) that an example of burdensome regulations is a "double containment" requirement that may not be necessary for smaller jobs.

Sometimes, he said, "not many wells get plugged because they are afraid of the rules."

Rep. Hagan suggested the matter may be ripe for review by the state's Common Sense Initiative on agency rule promulgation.

Mr. Kenney said an overarching frustration with the state's program is its slow pace.

"There's a huge amount of money that's available for plugging that's just not being spent," he said.

Melanie Houston, director of Oil and Gas for the Ohio Environmental Council Action Fund, also relayed her group's support for the bill.

"Orphan wells pose a hazard to the environment and to human health and safety," she said. "Until they are located and properly plugged, they are pathways to pollution."

Ms. Houston said the risks include fire, overflow of oil or brine into ecologically sensitive areas like streams, and underwater contamination. She noted orphan wells have been found under buildings, houses, lawns and recreation areas in both rural and urban settings.

OEC, she said, particularly supports components of the bill that: requires ODNR to create rules to prioritize wells for plugging; mandates that the agency respond to landowners with wells in a timely fashion with inspections and reports and action on high priority wells within six months; and the additional funding for the program.

Prosecutors Continue Opposition To Death Penalty Exemption Bill

The state's prosecutors are once again fighting back against a bill that would spare individuals from the death penalty.

The legislation (HB 81) would exempt from the death penalty those diagnosed with schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder or delusional disorder at the time a capital offense was committed.

Ohio Prosecuting Attorneys Association Executive Director John Murphy said the measure is "unnecessary to address any legitimate concerns about the application of the death penalty to the mentally ill or disabled."

"Ohio law and federal precedent already protect the defendant suffering mental disorder in several ways," he told the House Criminal Justice Committee.

Those ways include a ruling by a court that an individual is not competent enough to stand trial and a not guilty by reasons of insanity defense.

Mr. Murphy also said federal and state court precedents protect those with mental impairments from being executed by the state.

Ohio's death penalty statute, Mr. Murphy said, includes mitigating factors that could include mental illness and disability issues.

"This bill expands mental illness considerations far beyond what is necessary and will bar consideration of the death penalty in inappropriate circumstances."

Mr. Murphy said the mental health conditions covered under the bill are too broad and ill defined.

"While some include conditions that are quite serious, of course, they also include depression, thought disorders, lack of motivation, lack of ability to focus and concentrate, mood swings, feelings of sadness, anxiety, guilt, anger, isolation, hopelessness," he said. "While these issues could be raised as factors in mitigation, they are too indefinite and amorphous to form the basis of a presumption against the death penalty."

Mr. Murphy also took issue with the bill's lack of distinction between severe, moderate and minimal levels of a condition. He said it would be more proper to continue to allow judge and jury to consider the severity of a condition and weigh it against other factors in a case.

He also warned the legislation has the potential to flood the court system.

Sponsoring Rep. Bill Seitz (R-Cincinnati) took issue with several portions of the testimony, and before he began his questioning, he remarked, "Your fervor for executing the mentally ill is interesting."

He asked if it is true that incompetence to stand trial and federal legal precedent that bars a person who does not understand the nature of a punishment and why it is being imposed cannot be executed applies to one's state of mind at the time a crime was committed.

Mr. Murphy acknowledged that they do not.

Rep. Seitz then asked why those with serious mental illness should be treated differently than those who are deemed to be mentally retarded, citing a U.S. Supreme Court decision that found it unconstitutional to execute individuals with IQs below a certain level.

"At least in the retardation situation, we have a line, we have a rule," Mr. Murphy said.

Rep. Seitz also questioned Mr. Murphy on his mitigating factor testimony, saying previous witnesses have said jurors are more likely to treat serious mental illness as an aggravating factor.

"I think we can trust our jurors a little more than that," Mr. Murphy said.

Another point of contention was his list of ailments or mental conditions that he said would be covered. Rep. Seitz said those are simply symptoms of the severe mental illnesses covered under the bill.

Similar legislation (SB162, 131st General Assembly) cleared a Senate panel last year but did not receive a vote on the floor.

Study Finds Ohio's Open Enrollees Score Better On State Exams, Are More Likely To Graduate On Time

Ohio students who open enroll in schools outside their assigned districts score better on state tests and are more likely to graduate on time, a new study shows.

The study, commissioned by the Fordham Institute, analyzed data from the more than 70,000 students who are open enrolled to examine their academic outcomes compared to their peers who remained in their assigned districts.

"In rural communities and small towns, where education choices are typically very limited, open enrollment provides an important option for families," said Chad Aldis, vice president for Ohio policy and advocacy for the Fordham Institute. "This study indicates that students who use open enrollment to transfer to another district, and then commit to it, are likely to benefit."

Researchers note in the report that they can't prove causality, but students who were consistently open enrolled gained about two to four percentiles on state math and reading exams when compared to non-open enrollees.

Those that weren't consistent open-enrollees did not experience gains or losses in comparison to their peers who attended their assigned schools, the findings show.

In the study, consistent students are defined as those that were open enrolled each year of the study - from 2008-2014 - and took state tests.

When test results are broken down by ethnicity, the report shows that consistent African American students saw larger gains than other open enrollees, as much as ten percentile points in math and reading.

Consistent open enrollment throughout high school also increases the probability of on-time graduation by 10%, according to the analysis.

Mr. Aldis said the findings point to a need for the expansion of school choice opportunities for low-income and minority students.

"The troubling irony is that the data indicate urban, minority students benefit the most from open enrollment. Regrettably, they also have the fewest open enrollment options, as most suburban districts refuse to admit non-resident students," he said.

"With upward mobility more difficult than ever, providing more high-quality public-school options must be an urgent priority - especially for low-income and minority students. Instead of continued efforts to curtail parental choice through opposition to Ohio's charter school and school voucher efforts, districts with the capacity to admit additional students might be better served by welcoming children from nearby areas."

About 80% of Ohio's schools participate in voluntary open enrollment, some accepting students statewide and others enrolling only students from adjacent school districts, the report shows. Nearly all the districts that don't offer open enrollment are higher-income suburban districts surrounding the state's largest cities.

Politics Notebook: Lawmaker Wants State Park Drilling Out Of Budget; Renacci Pans Columbus Immigrant Vote; Chamber Opposes Drug Issue

Sen. Cecil Thomas (D-Cincinnati) on Tuesday objected to language in the biennial budget measure (HB 49) to allow oil and gas drilling in local parks and other public lands.

"Ohio families spend time together in our beautiful parks every day. We need to preserve these areas for future generations to enjoy. There are plenty of other places available for drilling that will not take valuable green space away from our citizens," he said in a statement.

"Republican legislators have been trying to drill in our parks for years. They always meet strong opposition, because it's pretty easy to see this idea is wrong for Ohio. The Ohio Senate Democrats have offered several amendments to this year's budget to remove this troubling language and preserve our natural resources for centuries to come."

Columbus Vote: Columbus City Council voted Monday to ban arrests or service denials based on a person's immigration status, stopping short of a "sanctuary city" declaration.

Nevertheless, U.S. Rep. Jim Renacci (R-Alliance), a gubernatorial candidate, declared the city's policy was just that in a scathing statement issued Tuesday that channeled President Donald Trump. He also likened the city's move to the pushback of civil rights laws.

"Last night's attempt by the Columbus City Council to nullify federal immigration law is an appalling affront to both the immigrants who built this country and the system of laws that govern it," he said. "While deeply troubling, this 'nullification' movement to undermine federal policy is actually nothing new - it's the very same failed tactic employed during the 1960s by local governments who opposed federal civil rights laws and sought to preserve the racist relics of a segregated society."

"Those leading the 'sanctuary city' movement today regurgitate the same hollow arguments that fueled segregation and perpetuated bigotry in America for decades, and as Ohio's next governor I will neither accept nor cower to it," Mr. Renacci added. "As governor I will utilize all tools at my disposal to prohibit this morally

and intellectually bankrupt behavior, including withholding state funding to localities that declare themselves 'sanctuary cities'."

Chamber Position: The Ohio Chamber of Commerce has come out against a proposed ballot issue on state prescription drug purchases, saying Tuesday its board voted to oppose "the ill-conceived and poorly written Ohio Drug Price Relief Act" targeted for the November ballot because it would "impose unworkable contracting requirements on the state of Ohio whenever it purchases any prescription drugs."

"The prescription drug purchasing issue is yet another example of an out-of-state special interest misusing Ohio's ballot access process in an effort to advance its own interests - at the expense of Ohio citizens and taxpayers," Chamber President and CEO Andrew Doehrel said. "This proposal would almost certainly lead to cost-shifting to private payers, including employers, perversely resulting in a majority of Ohioans paying more, not less, for their prescription drugs."

"While it is so convoluted that it likely couldn't work as intended, we're concerned that a similar approach could be expanded to any other industry or product the state purchases if it were successful," he added. "Further, the proposal runs counter to the free market values that the Ohio Chamber stands for and is nothing more than an attempt to artificially fix drug prices."

Agency Briefs: Aviation Panel Announces Appointees; OPP Meeting Postponed Third Time; Auditor; DSA

The Ohio Aerospace and Aviation Technology Committee met Tuesday to announce the appointment of public members to the panel.

The committee consists of 21 members: three legislators from each chamber, one public member appointed by the governor, and fourteen public appointees chosen from the military, industry, and academia.

The following 15 public members were appointed to the committee: David Williams (Columbus), Robert Tanner (Delaware), Terrence Slaybaugh (Vandalia), Ronald Shroder (West Chester), Vincent Russo (Dayton), Jeffrey Rolf (Brecksville), Paul Orkwis (Loveland), Maureen McFarland (Kent), Virgil Johnson (Wellington), Adam Holmes (Nashport), Michael Heil (Hinckley), Carlos Grodzinsky (Hinckley), Joseph Coogan (Worthington), and Tony Bailey (Dublin). The governor's appointee is John Leland (Kettering).

Chairman Sen. Bill Beagle (R-Tipp City) said the appointees represent a variety of disciplines as well as geographic diversity. The legislative members also acknowledged that those applicants who were not chosen as appointees were also excellent, and their professional experience is valued.

The committee also selected Sen. Sean O'Brien (D-Hubbard) as the new secretary of the committee.

The next meeting of the full committee will take place on June 16 at the Youngstown Air Reserve Station.

Orthotics, Prosthetics and Pedorthics: The board's June meeting has been postponed, the third meeting date this year to be postponed due to members' scheduling conflicts.

Three seats remain vacant on the seven-member board, and four members must be present for the board to take any official action.

The meeting has been rescheduled for 10 a.m. July 11, at 77 S. High St. (room to be determined). The agenda can be found on the OPP website one week prior to the next meeting.

Auditor: The City of Portsmouth could save \$1 million if it follows the recommendations of a performance audit released by the auditor's office.

Portsmouth received the audit after being in "fiscal watch" since 2013. The city has had issues in the past with negative cash balances and appropriations exceeding the city's resources.

By adopting a more cost-effective health plan and increasing the employee share of the cost, Portsmouth could save \$359,000. The audit also recommended trying to recoup \$614,000 in delinquent water and sewage billing.

Other recommendations include the development of a work-order system for the water and wastewater departments, the creation of a preventative maintenance program for city vehicles, and the use of workload-based analysis for determining appropriate staffing levels for police and firefighters.

A separate release announced that an audit of the Pickerington Local School District (Fairfield County) discovered \$557 missing from library fines and student fees collected by the Tussing Elementary School.

Betty Stewart, the school's building secretary, attested to receiving the full amount of \$596 from the librarian, but only \$60 was deposited with the district and posted to its account ledgers.

"It's evident that the district and its schools need to upgrade their internal controls," Auditor Dave Yost said. "Any time the deposits don't match the collections, a red flag should immediately signal a closer inspection."

The \$557 finding for recovery was repaid by anonymous donors in April.

Development Services: The agency has chosen seven partners to help small disadvantaged businesses through the Minority Business Assistance Centers Program.

"Through our partnerships across the state, minority-owned businesses will be better supported in their growth and development," said Jeffrey Johnson, chief of the Minority Business Development Division at the ODSA.

The program offers free counseling, state certification support, and training to minority-owned businesses. The partners of the MBAC programs are non-profit organizations, economic development organizations, and educational institutions with experience in business development.

Governor's Appointments

Ohio Martin Luther King Jr. Holiday Commission: Eddie M. Sipplen of Akron (Summit Co.) and Rev. Joel L. King Jr. of Gahanna (Franklin Co.) were reappointed for terms beginning June 5 and ending December 30, 2019.

Early Childhood Advisory Council: Gail Montana of Canton (Stark Co.) for a term beginning June 6 and continuing at the pleasure of the Governor.

Southern Ohio Agricultural and Community Development Foundation: Eric T. Wolfer of Fayetteville (Brown Co.) and Larry W. Hall of Georgetown (Brown Co.) for terms beginning June 6 and ending June 2, 2022.

Supplemental Agency Calendar

Friday, June 16

Southern Ohio Agricultural & Community Development Foundation, OSU South Centers, 1864 Shyville Rd., Piketon, 9:30 a.m.

Supplemental Event Planner

Wednesday, June 7

Casino Control Commission to release May revenue figures, 1:30 p.m.

Tuesday, June 20

Ohio House Republican Organizing Committee fundraiser, Athletic Club of Columbus, Gold Room, 136 E. Broad Street, Columbus, 11:30 a.m., (Chair: \$5,000; Sponsor: \$2,500; Host: \$1,000; Guest: \$500 to OHROC)

Rep. Scott Ryan (R-Newark) fundraiser, Pins Mechanical Co., 141 N. Fourth St., Columbus, 5 p.m., (Special Guest: Rep. Ryan Smith, \$2,500, \$1,000, \$500 or \$350 to Citizens for Scott Ryan)


Friday, October 13

OSBA Law & Media Conference, Ohio State Bar Association, 1700 Lake Shore Dr., Columbus, 9:30 a.m., (Registration at 8:30 a.m. For more information contact Halle Malcomb, hmalcomb@ohiobar.org)

17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed,
Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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Daily Activity Planner for Wednesday, June 7

Legislative Committees

House Transportation & Public Safety (Committee Record) (Chr. Green, D., 644-6034), Rm. 017, 9 a.m.

HBSPEED LIMITS (Boccieri, J.) To specify that a speed limit becomes effective at a reasonable distance from 219 the appropriate sign giving notice of the speed limit. (1st Hearing-Sponsor)

HBLICENSE PLATE (LaTourette, S.) To create the "Kenston Local Schools" license plate. (1st Hearing-All 227 testimony-Possible vote)

HBLICENSE PLATE DISPLAY (DeVitis, T.) To specify that failure to display a license plate on the front of a 71 motor vehicle that is required to display a front license plate is a secondary traffic offense and to establish a maximum fine of \$100 for such an offense. (2nd Hearing-Proponent)

HBLICENSE PLATE (Patmon, B.) To create a special license plate for hearing-impaired individuals. (2nd 150 Hearing-Proponent)

HBRAIL CROSSINGS (Lepore-Hagan, M., Schuring, K.) To require vehicle operators to watch, listen, and 190 stop for on-track equipment that may be approaching a railroad crossing. (2nd Hearing-Proponent)

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

HB NURSE ANESTHETISTS (Gonzales, A.) Regarding the practice of certified registered nurse anesthetists. 191 (1st Hearing-Sponsor)

HBDENTISTRY (Gavarone, T., DeVitis, T.) To authorize the provision of dental services through teledentistry, 184 to require a proposal for creation of a primary care dental student component of the Choose Ohio First Scholarship Program, and to make other changes to the laws governing the practices of dentistry and dental hygiene. (2nd Hearing-Proponent)

HB CONTROLLED SUBSTANCES (Ginter, T., Sprague, R.) To require pharmacists to offer to dispense 231 controlled substances in lockable or tamper-evident containers. (1st Hearing-Sponsor)

Senate Ways & Means (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

HB TAX LEVIES (Brenner, A., Carfagna, R.) To authorize a joint vocational school district to submit the 124 question of a renewal tax levy to voters who did not have an opportunity to vote on the levy at an election held in November of 2015 because the levy was only placed on the ballot in one of several counties in which the district has territory. (1st Hearing-Sponsor & proponent)

SB FUEL TAX (Coley, B.) To levy an additional registration tax on passenger cars, noncommercial motor 113 vehicles, and commercial cars and trucks beginning on January 1, 2020; to authorize a per-gallon motor fuel retail price reduction for consumers that is equal to the state per-gallon motor fuel tax of \$.28; and to exempt each gallon of motor fuel that is sold at the reduced retail price from the state motor fuel tax. (1st Hearing-Sponsor)

SB TAX CREDIT (Dolan, M.) To establish a five-year pilot program whereby taxpayers with facilities in this 132 state with activated foreign trade zone status may claim a nonrefundable commercial activity tax credit equal

- to the amount redeployed by the taxpayer to job creation and renewable energy resources. (1st Hearing-Sponsor)

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 9:30 a.m.

HBDISCRIMINATION (Antonio, N.) To enact the Ohio Fairness Act to prohibit discrimination on the basis of 160sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio's Civil Rights Law. (1st Hearing-Sponsor)

HBPARK DISTRICTS (Seitz, B.) To expand a probate court's powers and duties with regard to a park district. 218(2nd Hearing-Proponent)

■ **HBFIREFWORKS** (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make 226recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (3rd Hearing-All testimony)

House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 122, 10 a.m.

HB RETIREMENT BENEFITS (Carfagna, R.) Regarding School Employees Retirement System annual 242cost-of-living adjustments. (1st Hearing-Sponsor & Proponent-Pending referral)

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), South Hearing Rm., 10:15 a.m.

■ **HBIC BUDGET** (Brinkman, T.) To make appropriations for the Industrial Commission for the biennium 28 beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs. (3rd Hearing-All testimony-Possible amendments & vote)

■ **SB MONTH DESIGNATION** (Hite, C.) To designate May as "Drive Ohio Byways Month." (2nd Hearing-All 117testimony-Possible amendments & vote)

■ **SB ROAD NAMING** (Yuko, K.) To designate a portion of I-90 in Euclid as the "Army Specialist 4 Lawrence 146George Stapleton Memorial Highway." (1st Hearing-Sponsor)

House Higher Education & Workforce Development (Committee Record) (Chr. Duffey, M., 644-6030), Rm. 115, 11 a.m.

■ **HBCURSIVE HANDWRITING** (Brenner, A., Slaby, M.) To require instruction in cursive handwriting. (4th 58 Hearing-Opponent & interested party)

■ **HBWORKFORCE DEVELOPMENT** (Reineke, B., Cupp, R.) To revise the laws governing the state's 166workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week. (2nd Hearing-Proponent)

■ **SB WORKFORCE DEVELOPMENT** (Beagle, B., Balderson, T.) To revise the laws governing the state's 3workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week. (2nd Hearing-Proponent)

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 116, 11 a.m.

HB DEATH CERTIFICATES (Householder, L.) To allow a coroner to change the cause, manner, and mode of death in a filed death certificate only after a hearing in the court of common pleas. (4th Hearing-All testimony)

HB DAY DESIGNATION (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." (2nd Hearing-All testimony)

SB DAY DESIGNATION (Yuko, K.) To designate July 8 as "Harrison Dillard Day." (3rd Hearing-All testimony-Possible vote)

~~Canceled: **Senate Rules & Reference** (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.~~

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 11 a.m.

HB BIENNIAL BUDGET (Smith, R.) To provide authorization and conditions for the operation of state programs. (5th Hearing-Public testimony)

House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

~~Canceled: **Senate Session** (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.~~

House Civil Justice (Committee Record) (Chr. Butler, J., 644-6008), Rm. 122, 2:30 p.m. or after session

HB FRANKLIN COUNTY COURT (Hughes, J., Lanese, L.) To add two judges to the Domestic Relations Division of the Franklin County Court of Common Pleas to be elected in 2018. (3rd Hearing-All testimony-Possible vote)

HB REAL ESTATE APPRAISERS (Dever, J.) To change the definition of "appraisal" for purposes of the Real Estate Appraiser Licensing Law, to make changes to certain procedures and the exceptions to licensure under that law, to regulate appraisal management companies, and to declare an emergency. (3rd Hearing-All testimony-Possible amendments & vote)

HB STRUCTURED SETTLEMENTS (Dever, J.) Relative to transfers of structured settlement payment rights. (2nd Hearing-Proponent)

House Community & Family Advancement (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 3 p.m.

HB EBT CARDS (Schaffer, T.) To establish requirements for electronic benefit transfer cards issued under the Supplemental Nutrition Assistance Program. (6th Hearing-All testimony-Possible amendments & vote)

HB RECORD EXPUNGEMENT (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. (4th Hearing-All testimony)

HB APPLICANT INFORMATION (Dever, J.) To regulate the collection, use, and retention of certain information obtained from an applicant during the employee selection process. (2nd Hearing-Proponent)

House Armed Services, Veterans Affairs & Homeland Security (Committee Record) (Chr. Johnson, T., 466-2124), Rm. 116, 4 p.m. or after session

HB MILITARY TRANSFERS (Perales, R., Craig, H.) To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits. (3rd Hearing-All testimony-Possible vote)

HB AVIATION HALL (Perales, R.) To establish the Governing Board of the Ohio Aviation Hall of Fame and Learning Center for purposes of establishing the Hall and inducting persons into it. (3rd Hearing-All testimony-Possible vote)

HB VETERAN COMMISSIONS (Miller, A., Anielski, M.) To permit county veterans service commissions to elect to add two members to the commission, one who is a veteran who served in Operation Enduring Freedom or Operation Iraqi Freedom, or subsequently in those theaters of operation, and one who is a military spouse. (2nd Hearing-Proponent)

Senate Energy & Natural Resources (Committee Record) (Chr. Balderson, T., 466-8076), South Hearing Rm., 4 p.m.

- The committee will consider the governor's appointments of William Brantingham, Larry Lindrose Jr. and J. Randal Van Dyne to the State Emergency Response Commission; and Dennis Mintus to the Waterways Safety Council

HB RENEWABLE ENERGY (Blessing, L.) To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. (1st Hearing-Sponsor)

Agency Calendar

Real Estate Commission, Division of Real Estate and Professional Licensing, 77 South High Street, 22nd Floor, Columbus, 9 a.m.

State Personnel Board of Review, 65 E. State St., 12th Fl., Columbus, 10 a.m.

Credit Union Council, Division of Financial Institutions, 77 South High Street, 21st Floor, Columbus, 10:30 a.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Event Planner

NFIB Small Business Day at the Capitol, Athletic Club of Columbus, 136 E. Broad St., Columbus, 9 a.m.

Casino Control Commission to release May revenue figures, 1:30 p.m.

Senate President Larry Obhof (R-Medina) and Sen. Randy Gardner (R-Bowling Green) fundraiser, Athletic Club of Columbus, Crystal Room, 136 E. Broad St., Columbus, 5 p.m., (\$5,000 Event Chair | \$2,500 Event Host | \$1,000 Event Sponsor | \$500 Individual to Citizens for Obhof and Citizens for Gardner Committee)

Sen. Matt Dolan (R-Chagrin Falls), Sen. John Eklund (R-Chardon), Sen. Frank LaRose (R-Hudson), Sen. Peggy Lehner (R-Kettering) and Sen. Joe Uecker (R-Loveland) fundraiser, Athletic Club of Columbus, Lounge, 136 E Broad St., Columbus, 5 p.m., (\$2,500 Event Chair | \$1,000 Event Host | \$500 Event Sponsor | \$350 Individual to Friends of John Eklund, LaRose for Senate, Citizens for Lehner, The Committee to Elect Joe Uecker and Friends of Matt Dolan)

Rep. Mike Ashford (D-Toledo) fundraiser, Tony's, 16 W. Beck St., Columbus, 5 p.m., (Sponsor: \$1,000; Host: \$500; Friend: \$250 to Citizens with Ashford)

Rep. John Boccieri (D-Alliance) fundraiser, Club 185, 185 E. Livingston Ave., Columbus, 5:30 p.m., (Sponsor: \$1,000, Host: \$500, Friend: \$350 to John Boccieri for Ohio Committee)

Ohio House Democratic Caucus leadership fundraiser, Huntington Park, 330 Huntington Park Ln., Columbus, 7:05 p.m., (\$1,000 to House Democratic Caucus Fund)

17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

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Legislative Committee Schedules beginning 6/5/2017

Tuesday, June 6

House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 9 a.m.

SB TAX CREDITS (Dolan, M.) To provide that compensation paid to certain home-based employees may be counted for purposes of an employer qualifying for and complying with the terms of a Job Creation Tax Credit. (1st Hearing-Sponsor-Pending referral)

HBCAMPAIGN CONTRIBUTIONS (Hambley, S.) To expand the scope of political contributions that qualify for the income tax credit for contributions to political campaigns to candidates for any state, county, municipal, or district office. (1st Hearing-Sponsor)

HB TAX DEDUCTION (Rogers, J., Rezabek, J.) To authorize, for six years, a personal income tax deduction for attorneys and pass-through entity law firms based on the number of hours the attorney performed pro bono legal work for indigent clients through a legal aid society and the expenses associated with that work. (1st Hearing-Sponsor)

HB AUTO SALES CREDIT (Hambley, S., Brinkman, T.) To authorize a sales and use tax trade-in credit for purchases of used motor vehicles from a licensed dealer. (2nd Hearing-Proponent)

Senate Insurance & Financial Institutions (Committee Record) (Chr. Hottinger, J., 466-5838), Finance Hearing Rm., 9:30 a.m.

HBBWC BUDGET (Brinkman, T.) To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs. (2nd Hearing-Proponent)

~~Canceled: **House Session** (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 11 a.m.~~

- If needed

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 11 a.m.

HB BIENNIAL BUDGET (Smith, R.) To provide authorization and conditions for the operation of state programs. (4th Hearing-Public testimony)

House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm. 119, 11:30 a.m.

House Economic Development, Commerce & Labor (Committee Record) (Chr. Young, R., 644-6074), Rm. 113, 1:30 p.m.

HB FLAG DISPLAY (Gonzales, A., Ginter, T.) To prohibit manufactured home park operators, condominium associations, neighborhood associations, and landlords from restricting the display of the thin blue line flag. (1st Hearing-Sponsor)

HB CHILD CARE CENTERS (Retherford, W.) To provide for the licensure of sick-child care centers. (3rd Hearing-All testimony-Possible vote)

HB FLU VACCINES (Hagan, C.) To prohibit an employer from taking an adverse employment action against a **193** person who has not been or will not be vaccinated against influenza. (2nd Hearing-Proponent)

House Criminal Justice (Committee Record) (Chr. Manning, N., 644-5076), Rm. 114, 1:30 p.m.

SB HUMAN TRAFFICKING (Kunze, S., Oelslager, S.) To allow a person who is found not guilty of an **4** offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (1st Hearing-Sponsor)

SB TRIAL TIMELINES (Eklund, J.) To provide a prosecutor an additional fourteen days to commence a trial **32** after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial. (1st Hearing-Sponsor)

SB LAW ENFORCEMENT DATA (Eklund, J.) To allow disclosure of information from the law enforcement **33** automated data system (LEADS) to a defendant in a traffic or criminal case. (2nd Hearing-Proponent)

HBPAULDING COURTS (Riedel, C.) To create the Paulding County Municipal Court in Paulding on January **2151**, 2019, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, to designate the Paulding County Clerk of Courts as the clerk of the Paulding County Municipal Court, and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2018. (2nd Hearing-Proponent-Possible amendment)

HBDEATH PENALTY (Seitz, B., Antonio, N.) To provide that a person convicted of aggravated murder who **81** shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense. (3rd Hearing-Opponent)

~~Canceled: **House Aging & Long-Term Care** (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 122, 3 p.m.~~

HB RETIREMENT BENEFITS (Carfagna, R.) Regarding School Employees Retirement System annual **242** cost-of-living adjustments. (1st Hearing-Sponsor-Pending referral)

House Energy & Natural Resources (Committee Record) (Chr. Landis, A., 466-8035), Rm. 018, 3 p.m.

HBOIL GAS WELLS (Thompson, A.) To allow a landowner to report an idle and orphaned well or abandoned **225** well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well. (1st Hearing-Sponsor & proponent)

House Public Utilities (Committee Record) (Chr. Seitz, B., 466-8258), Rm. 116, 3 p.m.

HBDISASTER WORK (Ryan, S.) To create the Disaster Relief Act to exempt out-of-state disaster businesses **133** and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster. (2nd Hearing-All testimony)

HBSECURITY RESOURCES (Smith, R., Carfagna, R.) To allow electric distribution utilities to recover costs **239** for a national security generation resource. (3rd Hearing-All testimony-Pending referral)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

HBCOMPUTER SCIENCE (Carfagna, R., Duffey, M.) With regard to academic content standards and 170 curriculum requirements for computer science; to revise educator qualifications regarding computer science; to create a competitive technology grant program for the 2018-2019 school year; and to make an appropriation. (5th Hearing-All testimony-Possible amendments, substitute & vote)

SB SCHOOL TECHNOLOGY & SAFETY (Gardner, R., Terhar, L.) To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. (1st Hearing-Sponsor)

HBSCHOOL CHOICE (Koehler, K.) To eliminate the Educational Choice Scholarship Pilot Program and Pilot 200 Project Scholarship Program and to create the Opportunity Scholarship Program. (3rd Hearing-All testimony)

House Federalism & Interstate Relations (Committee Record) (Chr. Roegner, K., 466-1177), Rm. 115, 4 p.m.

HB FIREARMS (Becker, J.) To enact the "Decriminalization Effort For Ending Notorious Deaths 233 (DEFEND)" to provide an opportunity for a concealed handgun licensee or qualified military member to avoid guilt for carrying a concealed handgun into a prohibited place if the person leaves upon request, and to penalize as disorderly conduct failing to leave upon request or returning with a firearm. (1st Hearing-Sponsor)

HCREXTRADITION (Holmes, G.) To urge the President of the United States, the United States Secretary of 9 State, and the Congress of the United States to compel Brazil to extradite Claudia Hoerig to stand trial for the aggravated murder of her husband, Major Karl Hoerig, and to request that the United States terminate foreign aid payments to Brazil if Claudia Hoerig is not extradited. (2nd Hearing-Proponent)

Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), South Hearing Rm., 4 p.m.

HBCOMMUNICATION DISABILITIES (Gavarone, T., Wiggam, S.) To establish a database of persons who 115 voluntarily register as being diagnosed with a communication disability or who voluntarily register a minor child or ward as the parents or guardians of such persons for purposes of law enforcement notification. (1st Hearing-Sponsor)

SB SUMMER FOOD PROGRAMS (Brown, E., Lehner, P.) To require school districts to allow approved 54 summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions. (5th Hearing-All testimony-Possible amendments & vote)

SB LEGAL MATERIALS (Skindell, M., Eklund, J.) To adopt the Uniform Electronic Legal Material Act. (1st 139 Hearing-Sponsor)

SB DISABILITIES COUNCIL (Burke, D.) To abolish the Opportunities for Ohioans with Disabilities 144 Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities and to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council. (1st Hearing-Sponsor)

Wednesday, June 7

House Transportation & Public Safety (Committee Record) (Chr. Green, D., 644-6034), Rm. 017, 9 a.m.

HBSPEED LIMITS (Boccieri, J.) To specify that a speed limit becomes effective at a reasonable distance from 219 the appropriate sign giving notice of the speed limit. (1st Hearing-Sponsor)

HBLICENSE PLATE (LaTourette, S.) To create the "Kenston Local Schools" license plate. (1st Hearing-All 227 testimony-Possible vote)

HBLICENSE PLATE DISPLAY (DeVitis, T.) To specify that failure to display a license plate on the front of a 71 motor vehicle that is required to display a front license plate is a secondary traffic offense and to establish a maximum fine of \$100 for such an offense. (2nd Hearing-Proponent)

HBLICENSE PLATE (Patmon, B.) To create a special license plate for hearing-impaired individuals. (2nd 150 Hearing-Proponent)

HBRAIL CROSSINGS (Lepore-Hagan, M., Schuring, K.) To require vehicle operators to watch, listen, and **190**stop for on-track equipment that may be approaching a railroad crossing. (2nd Hearing-Proponent)

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

HBABORTION (Patmon, B., Conditt, M.) To expand the crime of abortion trafficking and to increase the **149**penalty. (5th Hearing-All testimony-Possible substitute & vote)

HBNURSE ANESTHETISTS (Gonzales, A.) Regarding the practice of certified registered nurse anesthetists. **191**(1st Hearing-Sponsor)

HBDENTISTRY (Gavarone, T., DeVitis, T.) To authorize the provision of dental services through teledentistry, **184**to require a proposal for creation of a primary care dental student component of the Choose Ohio First Scholarship Program, and to make other changes to the laws governing the practices of dentistry and dental hygiene. (2nd Hearing-Proponent)

HBCONTROLLED SUBSTANCES (Ginter, T., Sprague, R.) To require pharmacists to offer to dispense **231**controlled substances in lockable or tamper-evident containers. (1st Hearing-Sponsor)

Senate Ways & Means (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

HB TAX LEVIES (Brenner, A., Carfagna, R.) To authorize a joint vocational school district to submit the **124**question of a renewal tax levy to voters who did not have an opportunity to vote on the levy at an election held in November of 2015 because the levy was only placed on the ballot in one of several counties in which the district has territory. (1st Hearing-Sponsor & proponent)

SB FUEL TAX (Coley, B.) To levy an additional registration tax on passenger cars, noncommercial motor **113**vehicles, and commercial cars and trucks beginning on January 1, 2020; to authorize a per-gallon motor fuel retail price reduction for consumers that is equal to the state per-gallon motor fuel tax of \$.28; and to exempt each gallon of motor fuel that is sold at the reduced retail price from the state motor fuel tax. (1st Hearing-Sponsor)

SB TAX CREDIT (Dolan, M.) To establish a five-year pilot program whereby taxpayers with facilities in this **132**state with activated foreign trade zone status may claim a nonrefundable commercial activity tax credit equal to the amount redeployed by the taxpayer to job creation and renewable energy resources. (1st Hearing-Sponsor)

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 9:30 a.m.

HB PARK DISTRICTS (Seitz, B.) To expand a probate court's powers and duties with regard to a park district. **218**(2nd Hearing-Proponent)

HB FIREWORKS (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make **226**recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (3rd Hearing-All testimony)

House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 122, 10 a.m.

HB RETIREMENT BENEFITS (Carfagna, R.) Regarding School Employees Retirement System annual **242**cost-of-living adjustments. (1st Hearing-Sponsor & Proponent-Pending referral)

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), South Hearing Rm., 10:15 a.m.

HBIC BUDGET (Brinkman, T.) To make appropriations for the Industrial Commission for the biennium 28 beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs. (3rd Hearing-All testimony-Possible amendments & vote)

SB MONTH DESIGNATION (Hite, C.) To designate May as "Drive Ohio Byways Month." (2nd Hearing-All 117 testimony-Possible amendments & vote)

SB ROAD NAMING (Yuko, K.) To designate a portion of I-90 in Euclid as the "Army Specialist 4 Lawrence 146 George Stapleton Memorial Highway." (1st Hearing-Sponsor)

House Higher Education & Workforce Development (Committee Record) (Chr. Duffey, M., 644-6030), Rm. 115, 11 a.m.

HBCURSIVE HANDWRITING (Brenner, A., Slaby, M.) To require instruction in cursive handwriting. (4th 58 Hearing-Opponent & interested party)

HBWORKFORCE DEVELOPMENT (Reineke, B., Cupp, R.) To revise the laws governing the state's 166 workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week. (2nd Hearing-Proponent)

SB WORKFORCE DEVELOPMENT (Beagle, B., Balderson, T.) To revise the laws governing the state's 3 workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week. (2nd Hearing-Proponent)

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 116, 11 a.m.

HB DEATH CERTIFICATES (Householder, L.) To allow a coroner to change the cause, manner, and mode of 146 death in a filed death certificate only after a hearing in the court of common pleas. (4th Hearing-All testimony)

HB DAY DESIGNATION (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." 229 (2nd Hearing-All testimony)

SB DAY DESIGNATION (Yuko, K.) To designate July 8 as "Harrison Dillard Day." (3rd Hearing-All 62 testimony-Possible vote)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 11 a.m.

HB BIENNIAL BUDGET (Smith, R.) To provide authorization and conditions for the operation of state 49 programs. (5th Hearing-Public testimony)

House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

House Civil Justice (Committee Record) (Chr. Butler, J., 644-6008), Rm. 122, 2:30 p.m. or after session

HBFRANKLIN COUNTY COURT (Hughes, J., Lanese, L.) To add two judges to the Domestic Relations 174 Division of the Franklin County Court of Common Pleas to be elected in 2018. (3rd Hearing-All testimony-Possible vote)

HBREAL ESTATE APPRAISERS (Dever, J.) To change the definition of "appraisal" for purposes of the Real 213 Estate Appraiser Licensing Law, to make changes to certain procedures and the exceptions to licensure under that law, to regulate appraisal management companies, and to declare an emergency. (3rd Hearing-All testimony-Possible amendments & vote)

HBSTRUCTURED SETTLEMENTS (Dever, J.) Relative to transfers of structured settlement payment rights.

223(2nd Hearing-Proponent)**House Community & Family Advancement** (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 3 p.m.**HB EBT CARDS** (Schaffer, T.) To establish requirements for electronic benefit transfer cards issued under the 50 Supplemental Nutrition Assistance Program. (6th Hearing-All testimony-Possible amendments & vote)**HB RECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records 64 related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. (4th Hearing-All testimony)**HB APPLICANT INFORMATION** (Dever, J.) To regulate the collection, use, and retention of certain 187 information obtained from an applicant during the employee selection process. (2nd Hearing-Proponent)**House Armed Services, Veterans Affairs & Homeland Security** (Committee Record) (Chr. Johnson, T., 466-2124), Rm. 116, 4 p.m.**HB MILITARY TRANSFERS** (Perales, R., Craig, H.) To permit persons who quit work to accompany the 158 person's spouse on a military transfer to be eligible for unemployment compensation benefits. (3rd Hearing-All testimony-Possible vote)**HBAVIATION HALL** (Perales, R.) To establish the Governing Board of the Ohio Aviation Hall of Fame and 183 Learning Center for purposes of establishing the Hall and inducting persons into it. (3rd Hearing-All testimony-Possible vote)**HB VETERAN COMMISSIONS** (Miller, A., Anielski, M.) To permit county veterans service commissions to 192 elect to add two members to the commission, one who is a veteran who served in Operation Enduring Freedom or Operation Iraqi Freedom, or subsequently in those theaters of operation, and one who is a military spouse. (2nd Hearing-Proponent)**Senate Energy & Natural Resources** (Committee Record) (Chr. Balderson, T., 466-8076), South Hearing Rm., 4 p.m.

- The committee will consider the governor's appointments of William Brantingham, Larry Lindrose Jr. and J. Randal Van Dyne to the State Emergency Response Commission; and Dennis Mintus to the Waterways Safety Council

HB RENEWABLE ENERGY (Blessing, L.) To revise the provisions governing renewable energy, energy 114 efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. (1st Hearing-Sponsor)**Thursday, June 8****Joint Education Oversight Committee** (Committee Record) (Chr. Cupp, R., 466-8150), Riffe Center, 31st Floor, East B, 9 a.m.**Senate Public Utilities** (Committee Record) (Chr. Beagle, B., 466-6247), Finance Hearing Rm., 9 a.m.**SB NUCLEAR ENERGY** (Eklund, J., LaRose, F.) Regarding the zero-emissions nuclear resource program. 128 (4th Hearing-All testimony)**SB SECURITY RESOURCES** (Terhar, L., Peterson, B.) To allow electric distribution utilities to recover 155 costs for a national security generation resource. (2nd Hearing-All testimony)**Ohio Retirement Study Council** (Committee Record) (Chr. Schuring, K., 228-1346), Rm. 121, 10 a.m.

- Agenda and location to be announced

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

Senate Session ([Committee Record](#)) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

- If needed

Tuesday, June 13

~~Canceled: **House Session** ([Committee Record](#)) (Chr. Rosenberger, C., 466-3357), House Chamber, 11 a.m.~~

- If needed

Senate Rules & Reference ([Committee Record](#)) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

Senate Session ([Committee Record](#)) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Wednesday, June 14

Senate Rules & Reference ([Committee Record](#)) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

~~Canceled: **House Session** ([Committee Record](#)) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.~~

Senate Session ([Committee Record](#)) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.


Thursday, June 15

Senate Rules & Reference ([Committee Record](#)) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 10 a.m.

Senate Session ([Committee Record](#)) (Chr. Obhof, L., 466-4900), Senate Chamber, 11 a.m.

Monday, June 19

Joint Committee on Agency Rule Review ([Committee Record](#)) (Chr. Duffey, M., 644-6030), Rm. 121, 1:30 p.m.

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed,
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Sarah LaTourette Kayser <latoursm@gmail.com>

Sarah, make sure you check out the latest Annual Meeting updates!

1 message

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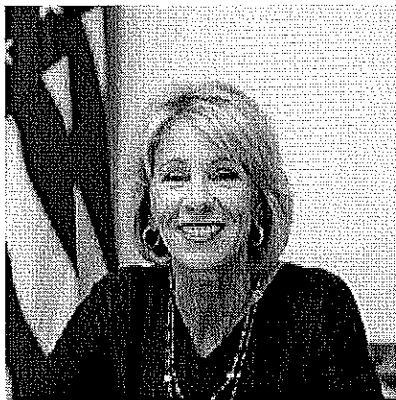
- How to turn contact information into engaging relationships with your constituents
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ALEC Events Update

ALEC Annual Meeting Announcements

44th ALEC Annual Meeting | Register Today | Agenda | Speakers



ALEC is pleased to announce Education Secretary Betsy DeVos will be joining us for our 44th Annual Meeting in Denver, Colorado. **Click here** to see the newest additions to the ALEC Annual Meeting line-up.



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[Meeting Agenda Updates](#)

ALEC Staff Update

Jonathan Williams Joins the State Financial Officers Foundation Advisory Board

Jonathan Williams | ALEC Chief Economist and Vice President for the Center for State Fiscal Reform



ALEC Chief Economist and Vice President for the Center for State and Fiscal Reform, Jonathan Williams, has joined the State Financial Officers Foundation (SFOF) Advisory Board. **Click here** for more.



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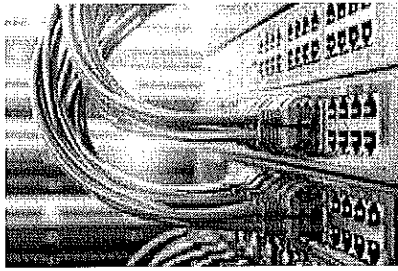
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Expert Insight

Report: Municipally Owned Fiber Networks are a Losing Proposition for Taxpayers

Jonathon Hauenschild | Task Force Director, Communications and Technology | Broadband

According to a **recent report** from the University of



Pennsylvania's Center for Technology, Innovation and Competition, municipally owned broadband networks simply are not wise investments for localities. **Click here** for more.



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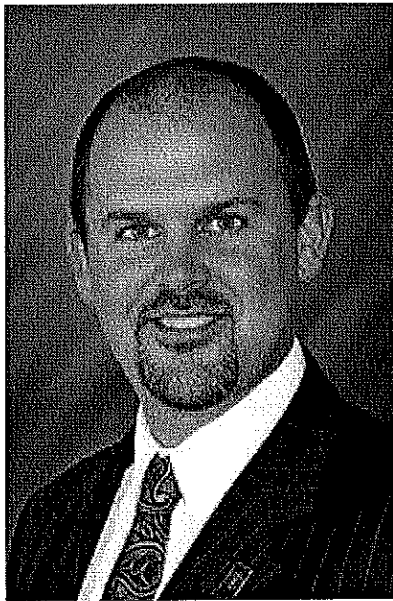
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Featured ALEC Member

ALEC-FreedomWorks Legislator of the Week

Representative Heath VanNatter | IN-38



Representative Heath VanNatter is a native of Indiana born in Howard County. He is currently serving in his fourth term representing the 38th District of the Indiana House of Representatives. Rep. VanNatter is the owner and operator of VanNatter Construction, and serves on the Executive Committee of the Indiana Builders Association and the Board of Directors of the National Association of Home Builders. Additionally, he is the past President of the Howard County Home Builders Association, of which he is also a current board member. **Click here** for the full bio.



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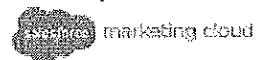


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Sarah LaTourette Kayser <latoursm@gmail.com>

Ohio Media Clips, Tuesday, June 13

1 message

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Tue, Jun 13, 2017 at 8:50 AM

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NEWS

Senate Republicans' budget proposal boosts funding to fight opioid crisis, saves money through administrative streamlining (Akron Beacon Journal, 6/13/2017)

Ohio agency granted adjustments to no-bid contract process (Associated Press, 6/13/2017)

Ohio board to online charter school: Pay back disputed \$60M (Associated Press, 6/13/2017)

Ohio grants Intralot unbid \$71M lottery contract, extensions (Associated Press, 6/13/2017)

Senate budget closes \$1B gap, adds \$6M for opioid crisis (Associated Press, 6/13/2017)

This Ohio paper endorsed Trump. And now? (Cincinnati Enquirer, 6/13/2017)

Would your school lose or gain money under Senate GOP plan? (Cincinnati Enquirer, 6/13/2017)

Americans for Prosperity targets Sen. Sherrod Brown in new digital ad campaign (Cleveland Plain Dealer, 6/13/2017)

No more art, music and gym tests just to grade teachers? How Ohio could change testing under new proposal (Cleveland Plain Dealer, 6/13/2017)

Ohio Senate budget plan seeks deeper cuts: Ohio Politics Roundup (Cleveland Plain Dealer, 6/13/2017)

President Donald Trump nominates Cleveland lawyer Justin Herdman to be new U.S. attorney (Cleveland Plain Dealer, 6/13/2017)

State agencies, Medicaid take brunt of \$1 billion budget cut proposed by Senate GOP (Cleveland Plain Dealer, 6/13/2017)

State superintendent proposes cuts in Ohio's state tests (Cleveland Plain Dealer, 6/13/2017)

ECOT ordered to repay \$60 million for inflating attendance (Columbus Dispatch, 6/13/2017)

Justices uphold Ohio commercial tax (Columbus Dispatch, 6/13/2017)

Lawmakers OK new state contracting rules requiring competition (Columbus Dispatch, 6/13/2017)

Husted announces statewide campaign operations (Dayton Daily News, 6/13/2017)

Ohio Senate leaders say state facing \$1B budget gap (Dayton Daily News, 6/13/2017)

Ohio wins Supreme Court case on business tax (Dayton Daily News, 6/13/2017)

Ohio Senate cuts lead plan from budget (Toledo Blade, 6/13/2017)

EDITORIALS

Will Ohio close its 'rent gap'? (Akron Beacon Journal, 6/13/2017)

Talk it out: Should low-level drug dealers do time in prison? (Cleveland Plain Dealer, 6/13/2017)

Editorial: Protect kids from 'silent' poison (Columbus Dispatch, 6/13/2017)

Release pipeline protest reports (Toledo Blade, 6/13/2017)

Destruction of public records is wrong answer to a real problem (Youngstown Vindicator, 6/13/2017)

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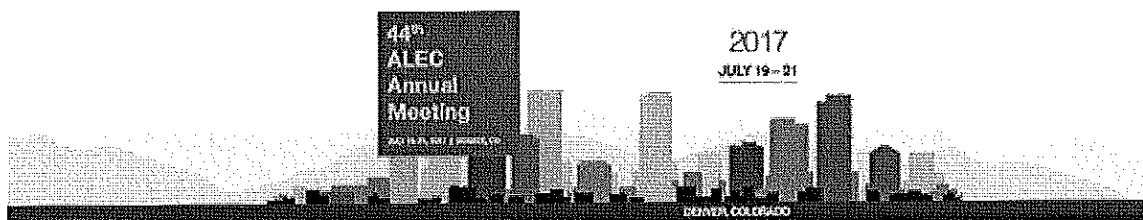
Sarah, here's my take on answering the charge of discrimination

1 message

Inez Feltscher Stepman <ifeltscher@alec.org>
To: latoursm@gmail.com

Tue, Jun 13, 2017 at 12:00 PM

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A Letter From the Desk of, *Inez Feltscher Stepman*

Dear Sarah,

I hope you are looking forward to the great meeting we're planning for you in Denver! We'll be discussing some timely topics in our task force meeting, from updates to our education savings account and tax credit scholarship plans, to due process on university campuses, to the proper role of the federal government when it comes to education and advancing school choice.

The past couple months have been busy here at ALEC. Last Wednesday, alongside other great organizations like TTPF, The Heritage Foundation, and the Goldwater Institute, ALEC released a letter to Secretary of Education Betsy DeVos, commending her for her continued support of education choice, as well as recommending some solutions that would advance choice while rolling back Washington, D.C.'s heavy hand in education policy. I also co-authored a policy paper with Lindsey Burke, who directs the Center for Education Policy at The Heritage Foundation, on the potential universal education savings accounts offered in the great state of Texas.

Unfortunately, education choice has suffered two setbacks in the past month. First, a great Texas coalition took education savings accounts right down to the wire, but the legislature failed to pass the special needs program at the last minute. And second, the Nevada legislature adjourned without funding the more than 8,000 families *already* signed up for the state's near-universal eligibility ESA program. These setbacks will just make us more determined to fight harder to empower parents with the choices that suit their children, not a distant bureaucrat or an arbitrary district line, best.

What's On My Radar

What I'm Reading

#ShowTheEvidence

The 74 Million I Education Policy

What I'm Researching

Back to the Staffing Surge

Ed Choice I Benjamin Scaffidi, Ph.D.

THE 74



How do we know what technology is actually impactful in the classroom? This is the first in a series of essays surrounding the EdTech Efficacy Research Symposium, a gathering of 275 education policy experts.

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The Great Teacher Salary Stagnation and the Decades-Long Employment Growth in American Public Schools. Click here to find out how "disproportionate growth" is manipulating public perception.

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Expert Insight

Education Dollars Should Matter-but do they?

CATO Institute | Corey A. Deangelis



Does how much we spend on education matter, or is how we spend it more important? Click here for more.

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Expert Opinion

What Betsy DeVos SHOULD Say

Fordham Institute | Michael J. Petrilli



Click here for more information on how to answer the charge of "discrimination" in religious private schools.

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Looking forward to hearing your voice on these important topics July 19-21st in Denver, Colorado!

Sincerely,

Inez Feltscher Stepman

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7/25/2018

Gmail - Sarah, here's my take on answering the charge of discrimination



Sarah LaTourette Kayser <latoursm@gmail.com>

Sarah, here's the latest on all things Federalism

1 message

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To: latoursm@gmail.com

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ALEC Annual Meeting Update**Convention of States Workshop and Plenary**44th ALEC Annual Meeting | **Karla Jones** | Director, Center to Restore the Balance of Government

NEW WORKSHOP: The ALEC Center to Restore the Balance of Government will host a new Convention of States Workshop and Plenary during the ALEC Annual Meeting. Contact Center Director, Karla Jones at kjones@alec.org for more information.

Topic Description

Many constitutionalists may have become complacent toward the federal government now that Republicans control the White House and Congress. But the truth is, our nation's only hope for a real and lasting constitutional renaissance resides in the state legislatures' power under Article V. Why the nation needs YOU to drain the swamp with the ultimate tool of Federalism: four perspectives on Article V.

Speakers

- The Constitutional Scholar and ALEC Board of Scholars Member, **Professor Rob Natelson**
- The Physician, Entrepreneur, Capitol insider and Accountant **Senator Tom Coburn**
- The Capitol and Think Tank Insider **Senator Jim DeMint**
- Outsider Activist **Mr. Mark Meckler**

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State Insight: Texas**Postcards from Texas**

Joseph "Cy" Tongate | Federalism



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"...All politics is—or should be—local. These states are supposed to be their own entities, with individual identities, politics and characteristics, only loosely controlled by the national government. We are supposed to be a union of different states."

[Click here](#) for an expert take on what "big government" means to a Texan.



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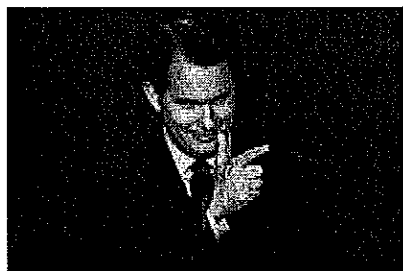
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Expert Insight**Scott Walker Backs Wisconsin's Economy Away from a Cliff**

Wisconsin Institute for Law and Liberty | Jake Curtis and Will Flanders



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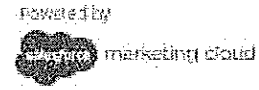


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Sarah LaTourette Kayser <latoursm@gmail.com>

Ohio Report, Wednesday, June 14, 2017

1 message

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OHIO REPORT WEDNESDAY, JUNE 14

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Suggests Merit In Potential Compromise****Amendment Lets Counties Seek Combined Criminal Justice Facilities
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with JCARR; OCRC Names New Regional Director****Governor's Appointments**

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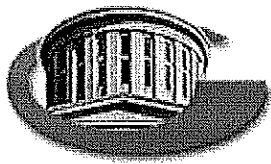
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House Activity for Wednesday, June 14, 2017

INTRODUCED

HBHUNTING LICENSES (Householder, L., Kick, D.) To allow a landowner's grandchildren of any age to **272** hunt or fish on the landowner's property without obtaining a hunting license, deer permit, wild turkey permit, fur taker permit, fishing license, or waterfowl hunting permit, and to allow certain partially disabled veterans to receive a free license, permit, or wetlands habitat stamp. Am. 1533.10, 1533.11, 1533.111, 1533.112, 1533.12, 1533.32, and 1533.81

HBADMITTING PRIVILEGES (Gavarone, T.) To prohibit a physician from being required to secure a **273** maintenance of certification as a condition of obtaining licensure, reimbursement, or employment or obtaining admitting privileges or surgical privileges at a hospital or health care facility. Am. 3702.30, 3727.05, 4731.14, 4731.281, 4731.29, 4731.56, and 4731.57 and to enact sections 3727.061, 3901.89, and 5164.302

HBVOTER REGISTRATION (Clyde, K.) To modify the circumstances under which a voter registration may **274** be canceled. Am. 3501.05 and 3503.21

HBBRIDGE NAMING (Slaby, M.) To designate the bridge spanning the Tuscarawas River, that is part of State **275** Route 93 in Canal Fulton, as the "Lance Corporal Michael Stangelo, USMC, Memorial Bridge." Am. 5534.152

HBUTILITY WORKERS (Rezabek, J., Greenspan, D.) To expand the offense of aggravated menacing to **276** prohibit threatening a utility worker with intent to obstruct the operation of a utility. Am. 2903.21

HBEDUCATION APPEALS (Seitz, B.) To stay the execution of certain judgments in favor of the Department **277** of Education during the appeals process. Am. 2505.09 and to enact section 3301.132

HOUSE SPEAKER'S APPOINTMENTS
Ohio Expositions Commission: Rep. Hill

COMMITTEE HEARINGS


Aging & Long Term Care

HB RETIREMENT BENEFITS (Carfagna, R.) Regarding School Employees Retirement System annual cost- **242** of-living adjustments. (CONTINUED (See separate story); 2nd Hearing-Opponent & interested party)

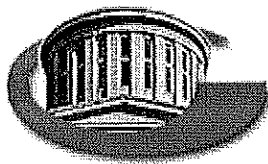
17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed,
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GONGWER Ohio
The Record of Capitol Square Since 1906

Volume #86, Report #114 -- Wednesday, June 14, 2017

County Officials Keep Beating The Drum For Permanent MCO Fix

County officials on Wednesday continued their call to be permanently held harmless from the loss of the Medicaid managed care sales tax revenue.

The Senate's substitute version of the two-year state budget ([HB 49](#)) contained no provision to permanently make up for the loss of revenue to counties and transit authorities.

County leaders said the lack of a replacement will be a major burden while they are being asked to increase spending in other areas.

Medina County Commissioner Bill Hutson said the loss of MCO revenue will result in the loss of \$500,000.

At the same time, Mr. Hutson said, the county will likely need to spend on new voting machines, increasing children protective services intakes and other services tied to the opioid crisis.

"With the looming issues before us, Medina County cannot afford additional cuts to its revenues such as the loss of the Medicaid Sales Tax revenue, nor can it afford to cover costs mandated by the state, such as the housing F4 and F5 offenders, indigent counsel, or new voting equipment," he told members of the Senate Finance Committee.

Sen Bill Coley (R-Liberty Twp.) asked Mr. Hutson his thoughts on eliminating the promotional gaming tax credit.

"I think it's incumbent on the state legislature to determine the priorities and invest the money where it needs to be invested," Mr. Hutson responded.

Sen. Coley then asked why the County Commissioners Association of Ohio has not taken a position on the issue, calling its lack of vocalizing support for the move "cowardly."

"If you guys are all crying for money, why aren't you looking at this?" he asked.

Cuyahoga County Council member Dale Miller said the loss of MCO revenue will cost the public transportation system in the Cleveland area \$18 million annually.

"It has been said that MCO sales tax has been with us a relatively short time and therefore there is no entitlement to receive this revenue on a permanent basis, and from a narrow perspective that makes some sense," he said.

"From a broader perspective, however, we must remember that over the last decade we have seen major reductions to the Local Government Fund, elimination of the estate tax, and significant program reductions. The counties are the local implementers of state policy and the State of Ohio will do well only if the state-county partnership is healthy. We need the permanent MCO sales tax correction to have that healthy state-county partnership."

Maggie Keenan, the director of the Office of Budget and Management in Cuyahoga County, said the county brought in nearly \$30 million in MCO revenue last year, accounting for 7% of its total General Fund revenue.

Ms. Keenan also outlined the increasing financial burdens the county is facing, especially those caused by the opioid epidemic.

"The reality is that Cuyahoga County - like all counties - has both a legal and moral mandate to respond to this crisis and that has had a substantial impact on so many of the county systems, including, public safety, the courts, the medical examiner's office, the ADAMHS Board, and the county's child welfare department," she said.

Gallia County Commissioner Harold Montgomery said the loss of MCO will cost his county \$600,000 annually.

He said that loss of revenue will adversely impact non-mandated agencies such as the extension office and the soil & water office.

"Gallia County is one of the southernmost counties in the state being a part of Appalachia and lying along the Ohio River," he said. "Counties from different areas of the state may have different issues plaguing their operations, however, one thing every county will have in common is the loss of sales tax revenue if the counties are not made whole."

Following his testimony, Sen. Matt Dolan (R-Chagrin Falls) said lawmakers have heard the same complaints from representatives of rural, suburban and urban counties, demonstrating the need for a permanent fix.

"To the credit of the administration, there is an effort to kind of try to make the counties whole for one year," he said. "But this body, regardless of what happens with the pen on June 30, this body has a responsibility to continue to work and fight for this issue because we are putting a real burden on our counties."

Municipalities Object To New Centralized Tax Collection Plan

The state's cities and villages remain at odds with businesses over the proposed centralized collection of municipal net profits taxes.

Kent Scarrett, executive director of the Ohio Municipal League, said Wednesday that Senate changes made to the proposal in the state's two-year budget ([HB 49](#)) will not have the intended impact.

The centralized collection was designed to create more uniformity for businesses across the state, but Mr. Scarrett said changes made in the substitute version of the bill will have the opposite effect.

The Senate version of the proposal would allow businesses to opt-in to the centralized collection through the Ohio Business Gateway. A 1% administrative fee would be charged to municipalities by the Department of Taxation.

"To put it more clearly; if this language becomes law, there will be unequal treatment of taxpayers throughout Ohio. Any business who opts in to file through OBG will be subject to different rules and fees than perhaps its neighbor within the same municipality," Mr. Scarrett told the Senate Finance Committee.

"Those businesses will, in effect, be subject to an entirely different set of laws. This language not only calls into question serious concerns not only about efficiency, but also about equity and fairness."

Mr. Scarrett also said municipalities will still need to track all returns filed to reconcile accounts and therefore it does little to relieve administrative burdens while costing cities and village more.

"A municipality's ability to ensure compliance in business filings is vital for the protection of all taxpayers. This language wrests that control away from the very entity best positioned to ensure each business within their jurisdiction has filed," he said.

"Instead, municipalities will be regulated to merely requesting the Department of Taxation review a return. The department is under no statutory obligation to comply with that request."

Mr. Scarrett also warned that the OBG will not be ready for the beginning of the program on Jan. 1, 2018.

Sen. Bill Coley (R-Liberty Twp.) said that municipalities have touted the current system as working well and questioned why businesses would voluntarily file through the OBG if that is indeed the case.

Mr. Scarrett said the problem is that the Department of Taxation will manage the filings and distribution of funds. He also said another problem is the cost, adding that about 300 municipalities collect the tax themselves at a cost of less than 1%.

Sen. Coley (R-Liberty Twp.) also asked about the possibility of eliminating the promotional gaming tax credit, saying the OML's lack of support for such a move is "cowardly."

"We are fighting a universe of many, many fires," Mr. Scarrett responded.

Mr. Scarrett also raised concerns about a Senate amendment that would redirect about \$17 million a year from the Local Government Fund to fight the opioid epidemic.

"We feel that those local dollars should be kept at the local community," he said.

But Sen. Peggy Lehner (R-Kettering) said the money comes from an LGF pot set aside to incentivize municipalities to levy an income tax.

"It is part of the LGF distribution formula," Mr. Scarrett said. "It is used. It is not sitting around getting cobwebbed."

Sen. Charleta B. Tavares (D-Columbus) - before apologizing for Sen. Coley's "cowardly" remark - asked how the state can be better partners with local government. Mr. Scarrett said preemptions are increasingly becoming more consequential.

"That is an extreme challenge for the constitution and for our members and the relationship they feel with the state," he said.

While local governments are not on board with the centralized collection plan, one business group endorsed the plan.

The administration's original plan would have required businesses to file through the OBG. The House changed the proposal to make the OBG filings optional with the 1% fee being charged to businesses.

Chris Ferruso, legislative director of the National Federation of Independent Business/Ohio, applauded the Senate's version, saying businesses that file in several jurisdictions will likely do so through the OBG.

"For many of our members, the time and cost associated with complying with the current system can be and is burdensome," he said. "Tax recently ran an analysis to determine the potential cost savings for businesses. If every business filing in multiple jurisdictions were to opt-in, Tax estimates the annual savings to be \$800 million."

Mr. Ferruso also downplayed municipal complaints about the about the ability to review filings.

"Although audit authority remains with the tax commissioner, if a municipality identifies an issue with a taxpayer, they may request Tax to evaluate further, potentially leading to an audit of the taxpayer," he said.

Proponents Urge Support For Energy Standards Bill As Senator Suggests Merit In Potential Compromise

A Senate panel again broached the idea Wednesday of some form of compromise to reduce the impact of the state's renewable energy standards while still providing certainty to the industry.

The discussion came during the second Senate hearing on a controversial bill ([HB 114](#)) that would render the state's renewable energy standards as optional goals and lower the cumulative energy efficiency standards from 22 to 17% by 2027.

But committee chairman [Sen. Troy Balderson](#) (R-Zanesville) said in an interview that nothing's changed by way of senators' efforts to find a way to modify the bill in order to alleviate potential opposition from [Gov. John Kasich](#) and within the Senate.

He previously said he anticipates changes will be made "to make this bill more feasible for folks," although details have yet to be hashed out. (See [Gongwer Ohio Report, June 7, 2017](#))

Like it's less far-reaching predecessor (HB554, 131st General Assembly), which was vetoed by Gov. Kasich, the bill has drawn fire from opponents who contend it would drive away job-creating investment in renewable energy sources by injecting uncertainty in the market. (See [Gongwer Ohio Report, March 21, 2017](#))

The American Wind Energy Association, for example, has said lawmakers advancing this bill would be "needlessly jeopardizing jobs, private investment and rural development potential."

In questioning proponent Micah Derry, state director of Americans for Prosperity, [Sen. Randy Gardner](#) (R-Bowling Green) raised the idea of a "middle-ground approach" that might be more agreeable.

"It seems to me almost no one in Ohio seems to hang onto the SB221 renewable standard and there's discussion about possibly moving toward a middle-ground approach of predictability for businesses," Sen. Gardner said.

"Isn't one of the preferences to the business community and development not just whether there's a standard or not but whether there's predictability for the future?" he continued. "Wouldn't it be good even if we weren't able to get down to zero - wouldn't a middle ground still be net better for the state of Ohio?"

"Absolutely," Mr. Derry replied. "I think I could be received as being naïve, but the most consistent policy is one in which we say we will not subsidize, we will not bail out, we will not bolster an industry that cannot stand on its own in the market."

Opponents - a bevy of them if the House testimony is any indication - are set to speak their peace at the bill's next hearing the last week of June, urging senators to scrap the bill.

But whether the bill will be ready for a committee and potentially a floor vote this month remains in flux, according to Sen. Balderson. The committee won't meet next week as budget talks will dominate much of lawmakers' attention.

Five proponents appeared at the measure's second hearing, arguing the standards are driving up costs on residential and industrial consumers. Five other proponents submitted written testimony.

Ed Spiker, speaking for the Ohio Coal Association, said the bill would "put coal back on a level playing field" with other energy sources and complement federal policy in which President Trump is "finally ending the war on coal."

"It will also make Ohio more competitive with Indiana, which has its own voluntary goals, and with Ohio's other neighbors, like Kentucky and West Virginia, that don't have renewable energy standards at all," he said.

Kevin Murray, executive director of Industrial Energy Users-Ohio, referred to the standards as "arbitrary," a claim Republican sponsors have often made to advocate for the bill and its predecessors in past General Assemblies.

"There was no analysis to consider their effect on reliability or the affordability of electricity," Mr. Murray said. "The mandates were sold based on future predictions of energy scarcity plus high and volatile prices. The considerable cost of the mandates was hidden in electric bills."

Sen. Sandra Williams (D-Cleveland) asked for examples of what IEU members are doing to increase energy efficiency. Many of those details, she said, aren't public record in Public Utilities Commission filings due to trade secret exemptions.

Mr. Murray gave two examples. He said TimkenSteel in 2014 invested \$2 million into a continuous caster that prompted a "tremendous reduction in energy." And he said ASHTA Chemical in 2015 invested \$60 million into new technology to reduce its electricity usage by 20%.

"The reality is most large manufacturers would change every lightbulb in their facility, it would make that big of a dent on their interests," he said. "Their energy usage is going into the manufacturing process and that's where they typically focus their largescale gains in efficiency."

Amendment Lets Counties Seek Combined Criminal Justice Facilities Bond Issues, Levies

County commissioners would have the authority ask voters to approve combined bond and levy issues in support of criminal justice facilities under an amendment added to a House bill on Wednesday.

The Senate Ways and Means Committee accepted the amendment to a bill (HB 124) originally aimed at addressing a Delaware County board of elections snafu. The mistake resulted in a career technical center being barred from collecting its full combination levy millage. (See Gongwer Ohio Report, June 7, 2017)

Chairman Sen. John Eklund (R-Chardon) proposed the addition to the school levy measure, saying it will give counties options to raise local dollars as the state moves to keep offenders out of prisons.

"As we continue to see advances in criminal justice, which divert inmates away from the prison systems and into community corrections of all kinds, many counties are going to find themselves looking for the opportunity to expand the housing they have available to these folks, particularly drug offenders and people who could be better served in their communities as opposed to the big house," he said.

The language permitting the combined ballot issues mirrors current state law that allows other entities to pose such questions to voters.

"This is an authority that already exists for school districts in the state of Ohio. They can put a capital and operating levy combined on the ballot...and this extends that authority to detention facilities and operations thereof," Sen. Eklund said.

The chairman said he expects the bill to be voted out of committee next week, following its third hearing. No witnesses submitted testimony for the bill's second hearing on Wednesday.

The amendment comes as the Department of Rehabilitation and Correction continues to promote community corrections, which Director Gary Mohr has said will save the state money and result in lower recidivism rates.

Earlier this week, the Senate introduced its substitute budget bill, which included a dialing back of administration plans to require all counties to participate in the Targeted Community Alternatives to Prison program, which is currently being piloted in eight counties and four jails. (See Gongwer Ohio Report, June 12, 2017)

Under the program, fifth-degree felons, except for those that commit sex offenses, offenses of violence, mandatory offenses and those with a prior felony sex or violent offenses would no longer be prison eligible.

The as-introduced budget would have resulted in the diversion of all low-level offenders from prison and into community-based facilities and programs in all 88 counties. The latest version requires only the state's 10 largest

counties to participate in the program.

Senators Seek More PUCO Independence With Budget Language Blocking Chair From Governor's Cabinet

The Senate's top Republican said the chamber wants to ensure impartiality at the Public Utilities Commission of Ohio with budget language that would prohibit the agency's chairperson from serving in the governor's cabinet.

The chairperson - currently Asim Haque - is appointed by the governor along with the other four commissioners. The governor also sets the salary of PUCO commissioners.

As chairman, Mr. Haque is among 25 agency heads that constitute Gov. John Kasich's cabinet. But Senate President Larry Obhof (R-Medina) said in an interview that senators want to install more separation between the chairperson and state's top executive.

"The PUCO provision is because the majority of the legislators I've talked to about this issue believe the commission is quasi-judicial in nature, and, at least in theory, independent," Sen. Obhof said.

"If you're an independent body who is acting in a quasi-judicial function, you should be independent," he added.

A PUCO spokesman referred to the governor's office for comment on the budget item (HB 49) and declined to specify how frequently Mr. Haque participates in cabinet activities.

Kasich spokeswoman Emmalee Kalmbach said only that, "We always appreciate the General Assembly's input on important issues." She too declined to elaborate on the extent of Mr. Haque's role as a member of the cabinet.

Under Mr. Haque and the current slate of members, the PUCO has sought a more active role in shaping the state's energy future - with Mr. Haque voicing a desire to "get out in front of an industry and finally lead."

Underscoring that approach is the commission's broad-based PowerForward initiative, which is intended as a comprehensive exploration of grid modernization opportunities. (See Gongwer Ohio Report, April 21, 2017)

The Senate sub bill maintains executive budget language codifying that role, according to the Legislative Service Commission comparison document. (See Gongwer Ohio Report, February 27, 2017)

In doing so, the language requires the PUCO to "research the latest technological and regulatory innovations for the electric distribution system," and to issue a report summarizing its findings and recommending a course of action to implement cost-effective distribution system innovations.

The lion's share of PUCO language in the sub bill retains House provisions, including those pertaining to: Power Siting Board updates; registration, permitting and application fee changes; and the modification of lifeline telephone services.

It also maintains House-added language permitting the Office of the Consumers' Counsel to assist consumers with utility complaint calls or forward them to the PUCO's call center, which Counsel Bruce Weston had requested. (See Gongwer Ohio Report, February 16, 2017)

But the proposal would amend executive language maintained in the House version centered on Utility Radiological Safety Board assessments. And it removes language offered by the administration, and modified by the House, that declares it is the state's policy to research and implement technological, regulatory and marketplace innovations in the electric distribution system.

Consolidated Boards Ask For Clearer Guidelines

Complaints continued Wednesday about the consolidation and re-composition of professional boards in the biennial budget bill.

Mark Glasper, executive director of the Opticians Association of Ohio, asked that lawmakers accept an amendment to the measure (HB 49) allowing the State Optometry Board to retain its standing as a separate entity.

Under the current version of the bill, that board and the Optical Dispensers Board would be combined into the State Vision Professionals Board.

But Mr. Glasper said that would leave opticians at a disadvantage because optometrists would have majority control of the board.

"You have also heard that optometrists and opticians are direct competitors in the marketplace for the sale of prescription eyewear and that giving optometrists regulatory control over opticians will result in an anticompetitive business environment in Ohio and will ultimately drive up the price of prescription eyewear for Ohio consumers," he told members of the Senate Finance Committee.

Short of restoring the board, he called on lawmakers to modify the composition of the combined board to provide opticians with equal representation.

"The public will be best served and protected by separate regulation of optometrists and opticians," he said. "In the alternative, we ask for equal representation to optometry on the Vision Board and request at a minimum that the two opticians specified in the bill hold dual licensure in spectacle and contact lens dispensing and at least one hold a majority interest in a retail optical business."

Keith Kerns, executive director of the Ohio Optometric Association, expressed the association's gratitude to the Senate for maintaining in the bill a repeal of the sales tax on prescriptive eyewear. However, he suggested several issues to be considered with the creation of a Visual Professionals Board.

With the restructured board including both optometrists and opticians, Mr. Kerns said that the education differential between the two must be taken into account. The role of ophthalmologists must also be reconciled with the role of the other professionals on the new board, he said.

"The OOA and the Ohio Ophthalmological Society have jointly agreed to language that would use this committee structure as a vehicle to allow ophthalmologists to have input on issues concerning the practice of opticianry," Mr. Kerns said.

"The Ohio Optical Dispensers Board currently has one ophthalmologist as a member to provide input on these issues and our organizations have worked collaboratively to ensure that this input will continue within the committee structure."

Sue Ciarlariello, legislative chair for the Ohio Society of Respiratory Care, seemed resigned to the fact that the Ohio Respiratory Care Board will be abolished and replaced with an advisory council under the Medical Board.

She asked for an amendment to add qualifications for council members and to define the council's responsibilities, authority and permanence.

"The advisory council structure and membership language currently does not require meaningful qualifications for education, training or actual practice experience in pulmonary medicine or respiratory care, only members 'knowledgeable in respiratory care,'" she said.

"We believe an advisory council charged with giving advice on the practice of respiratory care should be appointed from amongst those licensed RCP's who are the subject of regulation and physicians who manage respiratory disease. There is no provision for nominating candidates. And the responsibility, authority and permanence of this advisory council is left out."

Pat McKnight, state policy representative of the Ohio Academy of Nutrition and Dietetics, lamented the proposed elimination of the freestanding Board of Dietetics.

However, she urged the panel to accept changes that outline duties, meeting requirements and qualification of members of a proposed advisory council under the State Medical Board.

Kay Mavko, state regulatory specialist at the OAND, echoed that sentiment.

"The new language specifies that the council should meet a minimum number of times per year, includes a public member along with members who are actually qualified dietitians and are engaged in dietetic practice or dietetic education," she said.

"The expectation that the council will provide advice to the medical board on specific topics pertinent to effective licensure and regulation of dietitians makes it clearer that the council will have a voice to share our unique practice perspectives and professional standards."

Unions Voice Concerns With School Employees Pension Bill

Union representatives testified Wednesday against legislation that would allow the School Employees Retirement System to suspend its cost-of-living adjustment for retirees, saying it places an unfair burden on longtime school workers.

The bill ([HB 242](#)) had its second hearing before the House Aging and Long-Term Care Committee, but the Senate added a similar provision to the budget bill ([HB 49](#)) on Monday.

Lois Carson, state vice president of the Ohio Association of Public School Employees, said public school workers rely on the pension plan and are very susceptible to changes in it.

The average salary for OAPSE members is about \$24,000 a year, she said.

"We need every cent of our pension to survive," she said.

Ms. Carson said the union has been pushing the retirement system to reduce benefits for members who only worked for a few years in order to protect those who paid in for decades.

"We think these employees, the ones who put in the time and made a career out of the service in the schools, should be protected from these COLA freezes and cuts," she said.

"We would make the case that if they had acted 17 years ago to focus on the long-term employees and not short-timers, we would be in much better financial shape at SERS and we would not have to worry about our financial insecurity," she added.

Rep. Niraj Antani (R-Miamisburg) asked if the union had done any work on a proposal to protect long-term employees and help the system.

"Has there been any actuarial analysis or fiscal analysis or any research done on what that system would look like?" he said. "Has there been a discussion with the bill sponsor or with SERS in general?"

Ms. Carson said the union's staff is still working on it.

Becky Williams, president of the Service Employees International Union District 1199, submitted written testimony expressing concerns about the bill.

She said the members in SERS are the lowest-paid of the state's five pension funds, and include support staff who are the first to lose their jobs or have hours reduced when budgets are cut.

"We understand recent economic downturns have taken a toll on the solvency of the SERS fund and something must be done to boost the health of the fund and protect healthcare coverage," she said. "However, the cost-of-

living adjustment is a vital element of our members' pension and fundamentally contributes to our members' ability to pay for essentials like rent, food and their electric bill."

SERS has said the change is difficult but necessary in order to protect the benefits of active members. (See [Gongwer Ohio Report, June 7, 2017](#))

The proposal, along with a companion bill in the Senate ([SB 151](#)) received the recommendation of the Ohio Retirement Study Council last week, with Democrats opposed. (See [Gongwer Ohio Report, June 8, 2017](#))

ECOT Files Suit To Invalidate Ed Board Vote, Says Members Met Illegally

The Electronic Classroom of Tomorrow has filed a lawsuit against the State Board of Education, arguing that members met illegally before voting to claw back \$60 million in state funding from the e-school.

In a [complaint](#) filed with the Franklin County Common Pleas Court, ECOT attorney Marion Little alleges that board members violated the state's open meeting laws and that their decision made earlier this week should be invalidated.

He said the violation was made clear by the fact members voted without discussion on a resolution to adopt a hearing officer's finding that ECOT over reported full-time students in the 2015-16 school year and now must repay start funding it received for those students. (See [Gongwer Ohio Report, June 12, 2017](#))

"Ohio courts have held that the absence of an actual deliberation at a public meeting is evidence that the public body impermissibly deliberated in violation of the Ohio Meetings Act," he wrote in the complaint.

Mr. Little also criticized the board for originally scheduling a non-public meeting on administrative matters that was removed from the agenda prior to the start of the meeting and accused the board president, Tess Elshoff, of "impermissibly polling BOE members on their vote and/or opinions."

In addition to seeking an invalidation of the board's vote, ECOT is also requesting the board pay a \$500 fine and cover the e-school's attorney fees.

Commenting on the lawsuit, ECOT spokesman Neil Clark denounced the board's decision to hold public comment on the ECOT resolution after the vote.

"ECOT wants a fair shot in which the board actually hears and fully considers the merits of both sides' positions," he said in a statement. "This lawsuit is designed to ensure that ECOT gets that opportunity, of which it was deprived because of the board's and ODE's improper actions."

Department of Education spokeswoman Brittany Halpin said the agency did not have a comment on the lawsuit.

The court action comes as the state's largest e-school and ODE await a determination on the appeal of a lawsuit filed last summer. In that case, which initially went in the state's favor, ECOT contests the process used by ODE to determine full-time attendance and related funding.

ECOT leaders have said their school could be dismantled if the state seeks to recover about 60% of the funding it received that school year as a result of an audit that found only 6,312 of the reported 15,321 students were full time.

Education stakeholders this week announced the formation of a group to address the potential fallout of the e-school shuttering or scaling back its operations.

Real Choice Ohio, which is led by Woodridge Local Schools Superintendent Walter Davis, has a stated mission of helping "Ohio public school districts attract and retain students to ensure their success and support them on the path to high school graduation."

The group said in a letter sent to all school district administrators and the State Board of Education that it will provide assistance to schools, including research, creating and sharing of best practice materials, and training on parent communication and student retention strategies.

"Given the 15,000 students on ECOT's rolls who come from virtually every public-school district in Ohio, uncertainty over ECOT's future means each of us must be well prepared to welcome former ECOT students home to our public schools," the group wrote. "ECOT's poor performance is well documented, and it will be critical to ensure that no student falls through the cracks because of the ongoing controversy surrounding ECOT and its dispute with the state."

Meanwhile, some school district leaders are calling on the state to send those dollars to the home schools of students who weren't found to be attending ECOT full time, according to reports.

Under the state's controversial charter school funding structure, per-pupil funding is deducted from the state aid of home schools when students choose to attend ECOT.

Democratic Resurgence, Republican Incumbency Make 2018 Hard To Predict, Pollster Says

While the election of President Donald Trump prompted a surge in Democratic momentum, national Republican pollster Frank Luntz said Wednesday the president's supporters aren't backing down.

Both of those factors make the midterm elections in 2018 very difficult to predict, he said, though he anticipates turnout will be high.

"I can't predict it, because I don't know how they will feel a year and a half from now," he told reporters in Columbus a day after conducting a focus group with 20 Central Ohioans who voted for Mr. Trump. Mr. Luntz spoke Wednesday at an event hosted by the 1984 Society.

Mr. Luntz said Democrats nationwide are highly motivated, but it will be easier to predict how that might play out at the ballot box after Georgia's special congressional election next week.

"I think Republicans have a lot to be nervous about," he said. "Democrats are raising more money than they ever have."

He expected high turnout in 2018, with Democratic gains in the U.S. House.

"I do believe everything is up for grabs and I think we're going to see a lot of surprises between now and then," he said.

Voters who supported President Trump will stay behind him as long as he keeps his promises and shows progress, he said.

In Ohio, Mr. Luntz said it is still far too early to tell what the 2018 race will look like. But polling and focus groups indicate Republicans have an advantage in holding onto the governor's office, while U.S. Sen. Sherrod Brown (D-Cleveland) has an advantage in keeping his seat, he said.

"They like the incumbents even though they dislike incumbency," he said. "They are more hopeful for the state than they are for the country."

The General Assembly, he said, has low unfavorability ratings.

"They don't love, but they like the legislature, and there's very little negativity surrounding them," he said. "That may have something to do with the state's economic conditions having been turned around, jobs having been created."

Anything can change, he said, cautioning against predicting anything too far out.

"When you defeat an incumbent, the seeds are sown earlier but you don't see whether they grow until the last 30 days of the campaign," he said.

Mr. Luntz said the voters who spurred Mr. Trump to victory in November were voters whose support and energy doesn't come across in polls because they don't come from metro areas.

"This is not Cleveland and Columbus and Cincinnati, it's all those places in between that feel forgotten and ignored and even betrayed. You didn't find these people in the polling," he said.

Mr. Luntz also criticized the heated political rhetoric of President Trump and others in Washington, saying they have created a divisive environment that is bad for the country.

"I think the things that are said by Donald Trump and others on Capitol Hill are contributing to an incivility that we will regret," he added. "I understand the frustration and I get it in terms of this political gridlock, but we have to be careful with our words because kids are listening, parents are listening, the world is listening, and we're just contributing to such a tinderbox environment right now."

The 1984 Society is a political action committee made up of former Ohio Senate staffers including lobbyists Sam Gerhardstein, Neil Clark and John Gonzales.

Agency Briefs: Government 'Unauditable' List Grows; MMCP Files Rules with JCARR; OCRC Names New Regional Director

Trumbull County's Mecca Township has been placed on the "unauditable" list due to incomplete financial records and bank reconciliations, State Auditor Dave Yost reports.

The insufficient records were noticed by the Independent Public Accounting firm Perry & Associates during the course of a regular financial audit last year, according to Mr. Yost's office. Without the completed records, the auditor's office is unable to complete the audit.

The township must revise its records and provide the missing data within 90 days of being notified by the auditor of the status. If the township fails to comply, the attorney general may file suit to compel the township officials to produce the necessary information.

A similar case of incomplete financial records has also placed the Village of Martinsville (Clinton County) on the unauditable list.

"Poorly kept records create a lack of accountability," Auditor Dave Yost said. "The Village of Martinsville must bring its records back to an auditable condition to complete the audit."

The Auditor's Local Government Services Section is available to help local officials bring their records to an auditable condition. An entity is removed from the unauditable list once the audit is completed and released to the public.

In a separate release, the auditor's office announced that Liberty Township (Delaware County) improperly paid over \$12,000 in health insurance opt-out payments to several employees.

State auditors found that the township's policy for offering opt-out payments conflicts with state law. The township's law allows payments of 50% of the premium of the insurance coverage that the employee would receive if the insurance is provided by the township, but the Ohio Revised Code limits payments to 25% of the premium.

Former Fiscal Officer Mark Gerber and current Fiscal Officer Nancy Denutte are liable for \$10,545 and \$1,902, respectively, if the recipient employees do not repay the township themselves, the auditor's office said.

Medical Marijuana Control Program: The State Medical Board, Ohio Department of Commerce and the State Board of Pharmacy have filed the remaining MMCP rules with the Joint Committee on Agency Rule Review.

After receiving public input in online Q&A sessions and holding several public meetings, the MMCP produced a revised set of rules regarding the cultivation, dispensation, and administration of marijuana for medical purposes. JCARR will review the filed rules and ensure they do not exceed the rule-making authority granted to the MMCP.

Once the rules are approved by JCARR, Ohio law dictates they must be adopted by the Medical Board, DOC, and Board of Pharmacy by September 8, when the MMCP will become fully operational.

Civil Rights Commission: Duffy Jamieson has been appointed as regional director of the Dayton and Cincinnati offices for the OCRC. Mr. Jamieson is an attorney with 27 years of experience with the Ohio attorney general's office and has received local and national recognition for his legal work.

"We are elated for the opportunity to again work with Duffy Jamieson, who is a highly talented individual," Executive Director of the OCRC Michael Payton said. "As prior legal counsel who prosecuted cases for the OCRC in the Attorney General's office, Duffy will bring many years of dedicated, professional service and experience to the OCRC's management team."

The OCRC has five regional offices in Akron, Cleveland, Columbus, Dayton, and Toledo as well as a satellite office in Cincinnati.

Governor's Appointments

Board of Nursing: Barbara Mako Douglas of Chardon for a term beginning June 14, 2017, and ending December 31, 2020 and Erin L. Keels of Columbus for a term beginning June 14, 2017, and ending December 31, 2018.

State Board of Pharmacy: Richard J. Newlon of New Lexington for a term beginning June 14, 2017, and ending June 30, 2020.

Supplemental Agency Calendar

Thursday, June 29

State Audit Committee, 35th Fl., 30 E. Broad St., Columbus, 10 a.m.

Supplemental Event Planner

Thursday, June 15

Senate Democratic Caucus news conference on budget plan, Harding Senate Press Rm., Statehouse, Columbus, 9:30 a.m.


Wednesday, June 21

Rep. Jonathan Dever (R-Cincinnati) fundraiser, Athletic Club, 136 E. Broad St., Columbus, 7:30 a.m., (\$1,000, \$500 or \$350 to Friends of Jonathan Dever)

17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed,
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Senate Activity for Wednesday, June 14, 2017

COMMITTEE HEARINGS

Ways & Means

HB TAX LEVIES (Brenner, A., Carfagna, R.) To authorize a joint vocational school district to submit the **124** question of a renewal tax levy to voters who did not have an opportunity to vote on the levy at an election held in November of 2015 because the levy was only placed on the ballot in one of several counties in which the district has territory. **(CONTINUED-AMENDED (No testimony) (See Separate Story); 2nd Hearing-All testimony-Possible amendments)**

SB PROPERTY TAX COMPLAINTS (Coley, B.) To limit the right to initiate most types of property tax **123** complaints to the property owner and the county recorder of the county in which the property is located. **(CONTINUED (No testimony); 2nd Hearing-Proponent)**

Energy & Natural Resources

HB RENEWABLE ENERGY (Blessing, L.) To revise the provisions governing renewable energy, energy **114** efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. **(CONTINUED (See separate story); 2nd Hearing-Proponent)**

Subscribers Note: For full testimony see the [committee's website](#) under June 14.

Finance

SB COLLEGE AFFORDABILITY (Hottinger, J., Eklund, J.) To increase the maximum income tax deduction **5** for contributions to college savings accounts and disability expense savings accounts to \$10,000 annually for each beneficiary, to create the Joint Committee on Ohio College Affordability, and to declare an emergency. **(REPORTED-AMENDED; 4th Hearing-All testimony-Possible amendment & vote)**

Before being reported, an amendment offered by Sen. John Eklund (R-Chardon) was accepted to lower the maximum income tax deduction to \$4,000.

He said at \$10,000, "the fiscal impact might be a little bit hard to swallow at this point."

Tony Fiore, of the Securities Industry and Financial Markets Association, said "such savings incentives are vital to ensure that every young Ohioan is able to receive a quality education, and that providing savers the ability to choose the best-fitting college savings plan is a key component of these efforts."

"Because college tuition costs continue to escalate at a rate far outpacing inflation, more families will need to invest in savings plans to cover the increased costs. Such costs are expected to continue to grow at an accelerated pace," he said.

Sen. Michael Skindell (D-Lakewood) and Sen. Vernon Sykes (D-Akron) voted against the report.

HB BIENNIAL BUDGET (Smith, R.) To provide authorization and conditions for the operation of state **49** programs. **(CONTINUED (See separate stories); 8th Hearing-Public testimony)**

Early Education: Former Sen. Shannon Jones called for additional funding for early childhood education, saying brain development is crucial for children in the first five years of their lives.

She requested an additional \$22 million over the biennium for early childhood programs.

"As we work to build a system that positions kids for success, we need to be mindful that we are only serving 60% of all eligible preschool aged kids in publicly funded child care and a mere 7% of kids eligible for public preschool in our state," she said.

"Considering our reality, cuts to current funding levels inevitably means serving even less kids. Given all that we know in this field about what a smart investment early childhood education is, cuts to these programs is irresponsible."

Stephanie Byrd, senior vice president of early learning strategies at the United Way of Greater Cincinnati, said the additional funding will help close a gap in 38 counties that are in the incorrect rate category.

She said those counties serve nearly 40,000 children.

"Funding quality in Ohio cannot be achieved without addressing this significant gap first," she said. "If this accounting injustice is fixed, children in these 38 counties will have the funds they deserve to begin increasing their access to high-quality early childhood education programming."

Prison Diversion: The state's judges continued to speak out against a prison diversion program.

Cuyahoga County Common Pleas Judge Allison McCarty outlined several problems she has with the proposal, including the lack of judicial discretion.

She also raised concern that the program could have a negative impact on the treatment of individuals.

"The proposal will force judges to send unmotivated offenders to residential facilities where they will negatively affect the other offenders who are actually trying to change," she said. "These are offenders, who, among other things, fail to report to probation, fail to complete drug screen tests, fail to attend treatment, and fail to obtain employment."

Judge McCarty also said the proposal is unlikely to reduce the state's overcrowded prison population. She said it will lead to prosecutors bringing more serious charges that are prison-eligible.

Teacher Residency: Matt Verber, executive director of policy and advocacy for Educopia, called on lawmakers to restore the Ohio teacher residency program.

"If the Resident Educator Program and the RESA are eliminated, what happens next?" he asked. "How would districts support beginning teachers? What would be the requirement for Resident Educators to advance to professional license?"

Carol Theis, a Resident Educator Program Coordinator for Solon City Schools, said the program provides new teachers with the skills and training needed to be good educators.

"Mentoring must be combined with some additional method of accountability for teacher effectiveness throughout the entire state of Ohio," she said. "The RESA provides just that. It is the backbone of the entire Resident Educator Program and ensures all students will have a competent teacher who has demonstrated the minimum skills to be an effective educator."

Sen. Peggy Lehner (R-Kettering) asked about the impact the program has on education.

Ms. Theis said it ensures that there is a guaranteed level of teacher quality.

Michele Pomerantz, policy and labor liaison for the Cleveland Metropolitan School District, said in the 2016-17 school year, CMSD had 526 resident educators.

"Educator program signals the state's commitment to the success of beginning teachers and, in turn, the students they serve," she said. "Eliminating Resident Educator and the mentoring and induction it provides would deprive new teachers across the state, and in Cleveland, of the resources and support they need to be successful."

Telemedicine Reimbursement: Janet Shaw, executive director of the Ohio Psychiatric Physicians Association, praised a provision that provides reimbursement for telemedicine.

She said it will allow more of the one in five Ohioans that experience a mental illness each year to get the treatment they need.

Ms. Shaw also said the program can be a tool used to fight the opioid epidemic and reduce drug overdose deaths.

"Perhaps many of these lives could have been saved if Ohioans had increased access to physicians who have been trained to treat drug addiction and untreated co-occurring mental illness - which is, in many instances, what causes an individual to abuse alcohol and prescription medications, as well as other illicit drugs," she said.

"Telemedicine (including tele-psychiatry) is a powerful tool that can connect people with mental health and addiction treatment services. It is a key innovation in support of health care delivery reform, it is being used in initiatives to improve access to care and care coordination, and it is being utilized to reduce the rate of growth in health care spending."

Public Libraries: Michelle Francis, director of government and legal services for the Ohio Library Council, praised lawmakers for putting more money into the Public Library Fund after the administration and House versions of the budget would have cut funding by \$17 million in FY 2018.

"We understand that this is a tight budget and that the Senate has difficult decisions to make. OLC would like to publicly thank you for considering public libraries and the essential services we provide to Ohio's citizens and taxpayers," she said.

"Minimizing the PLF reduction to 1.68% of the GRF is a step in the right direction. We hope to continue to work with the Senate to strive and return the PLF to the current rate of 1.7% if possible."

Ms. Francis also spoke highly of a proposal to utilize public libraries as "continuous learning centers."

However, she warned that it will be difficult for local libraries to meet that challenge if they face funding cuts.

"As state revenues continue to fall below estimates, it is important to remember that library usage increases during economic downturns as people turn to their local library for computer and Internet access, job search assistance, resume building and job skills training," she said.

Domestic Violence: Sue Villilo, executive director of Faith Mission and CHOICES for Victims of Domestic Violence, called for assurance that a line item of \$100,000 will go toward the newly created Domestic Violence Program.

In the current version of the budget, language says the attorney general's office may utilize \$100,000 from its operating expenses for that purpose.

"I understand this is not an easy budget to ask for new funding, but numerous states offer direct line item support for domestic violence programs and Ohio has fallen behind in helping this vulnerable population get, and stay on, its feet," she said.

She also asked for support of an amendment that would eliminate a proposal to create a new Domestic Violence Advisory Board. Instead, she said, the existing State Victims Assistance Advisory Council should be utilized "so

as not to create more bureaucracy."

Housing Fund: Bill Faith of Home Matters to Ohio called for the restoration of the Ohio Housing Trust Fund.

He called the fund the state's most significant resource to prevent homelessness and provide affordable housing for several groups, including seniors and those with disabilities.

"The Trust Fund not only provides funding to help these families access opportunity, but also leverages private funds and stimulates economic activity," he said. "For every dollar spent by the Trust Fund, over \$11.50 of economic output is generated."

Mr. Faith said the House sought to expand the trust fund, which he said is also a tool in the fight against opioids with funds dedicated to providing housing options for low-income individuals exiting addiction treatment programs.

Emily Lundgard, state and local policy director for Enterprise Community Partners, struck a similar tone.

She said the trust fund has a 25-year track record of success.

"Expanding the Trust Fund will create a stable foundation for working families, individuals overcoming addiction, veterans returning home, seniors, and so many more," she said. "Beyond that, it has proven to produce a significant return on investment - leveraging other dollars into Ohio, lowering costs in other systems, and providing families economic opportunity."

Butler County Recorder Danny Crank also spoke in favor of the fund.

Waiver Funding: Dean Fadel, board president of the Ohio Association of County Boards of Developmental Disabilities, outlined several requested additions to the budget, including restoring the transitions developmental disabilities administration waiver funding and clarifying the real estate tax exemption for developmental disabilities housing.

"The TDD waiver has been an attractive option for people with significant medical needs who want to live at home. The Senate has now proposed a massive 40% cut in FY19 to this line item," he said. "We are hopeful that this committee can use some of the new dollars it has allotted for DODD to fill this gap."

With regards to tax exemptions, Mr. Fadel explained that the Ohio Board of Tax Appeals recently ruled that the law does not explicitly state that developmental disabilities housing is exempt from property taxes.

"Rough estimates from Franklin County alone show that if these homes were required to pay property taxes, then rent would increase about \$100 per person, per month," he said. "This increase would be devastating to people with developmental disabilities who already need assistance to afford community living."

Health Food: Kristin Mullins, executive director of the Ohio Grocers Association, requested that the Senate restore the House version's funding of \$500,000 for the Healthy Food for Ohio program.

"Profit margins for grocers are razor thin - just 1-1.5% - and our membership faces unique challenges in incorporating and expanding businesses," she said. "The HFFO program offers flexible grant and loan dollars to grocers that they might not otherwise be able to find through traditional lending means."

Diana Turoff, president and CEO of the Finance Fund Capital Corporation, explained the benefits of the HFFO program and asked that its funding be restored.

"Since launching last year, HFFO has funded seven sustainable, community-driven, job-creating, healthy food access retail projects that are enabling people to live healthier, longer, and free of chronic disease," she said.

"These projects provide 46,000 Ohioans with fresh, affordable food and have created 125 full-time jobs."

Support Services: Larke Recchie, CEO of the Ohio Association of Area Agencies on Aging, approved of the amendment to the budget that creates an innovative system for managed long term support services.

"With legislative oversight through an advisory committee, and additional language as proposed providing the expected roles for the Area Agencies on Aging, [the amendment] assures continuity of care for consumers but also maintains flexibility for managed care plans," she explained.

Environmental Issues: Trent Dougherty, general counsel for the Ohio Environmental Council Action Fund, thanked the Senate for restoring funding to the Healthy Lake Erie Fund and removing provisions that threaten state and public land. He also suggested closing a loophole in Ohio Oil and Gas Laws.

The emergency responder chemical reporting loophole allows the chief of the Ohio DNR Division of Oil and Gas to receive trade secret chemical information but not share it with anyone, even in the case of emergencies. Mr. Dougherty requested an amendment to the budget that would provide immediate access to all chemical information during an emergency, incident, spill, or release.

"This priority, unlike many other asks of this committee, will not cost the General Revenue Fund a dime," he said. "Instead, the amendments we recommend could save local governments and the communities they serve a great deal of time, money, and resources when responding to emergencies - and perhaps even save lives."

Medicaid Cuts: Sara Kline, board chair of the Autism Society of Greater Akron, encouraged the Senate to reconsider the Medicaid cuts proposed in the House budget. She explained specifically how individuals with autism depend on support from Medicaid, including her own daughter.

"It is very possible for Lindsay to become a taxpaying citizen and live on her own, and continue making progress in her daily living skills, but she will need Medicaid as the primary financial mechanism to support her," she said. "It also pays for job coaches, transportation, habilitative care, and in-home support, allowing her to live as independently as possible."

To continue this support, Ms. Kline recommended increasing wages for direct care providers and supporting the Federal Medicaid Expansion.

Disabled Children: Kim Mathews, member of the Parental Advisory Board for the Bureau of Children with Medical Handicaps, thanked the Senate for maintaining the House's removal of changes to the BCMH program.

The governor's budget included a proposal to significantly change this program and make families ineligible and without necessary supports," she said. "Your colleagues in the House heard concerns from families like mine and removed these proposed changes to the program."

In addition to preserving the program, Ms. Mathews also requested a small increase to the BCMH line item that supports young adults with cystic fibrosis. The additional funds would prevent changes in eligibility and services, she said.

Mary Dwight and Lisa Feng, policy directors at the Cystic Fibrosis Foundation, expressed their support of a funding increase to align the appropriation with program costs.

"For people living with CF in Ohio, BCMH acts as a supplemental insurance, offering critical supports that include filling coverage gaps and providing cost-sharing assistance that ensure access to essential services for this population," they explained.

Licensure Restored: Dianne Farabi, executive director of the Ohio Orthotics and Prosthetics Association, thanked the Senate for restoring licensure for orthotic, prosthetic, and pedorthic practitioners through the formation of a new State Physical Health Services Board.

"With their very specialized advanced education and training, O P & P practitioners work with physicians and other members of a physical rehabilitation team to restore mobility to ultimately save lives and money," she

wrote.

Pharmacy Reimbursements: Antonio Ciaccia, director of government & public affairs for the Ohio Pharmacists Association, said without higher Medicaid reimbursements to pharmacies, many across the state could go out of business.

Those closures, he said, could impact the most vulnerable Ohioans.

"Pharmacies are closing in high-Medicaid areas, and MCO reimbursement trends are already getting worse. Pharmacies are shredding staff, freezing hiring, and some owners are not taking a paycheck just to keep the business afloat," he said. "The MCOs remain profitable and Medicaid entitlements grow, but the cost has been absorbed back home in your districts."

Opiate Epidemic: Ohio Association of County Behavioral Health Authorities Cheri Walter asked for restoration of funding for nine withdrawal management centers and \$12 million to help treat people once they exit the centers.

She said first responders across the state are burning out from saving the same people with Narcan time and time again.

"People are just rotating in and out of emergency rooms if they don't have somewhere to go," she said.

Railroad Funding: Art Arnold, executive director of the Ohio Railroad Association, said the Ohio Rail Development Commission's budget was reduced in the House by 50% in FY 2019, which is about a \$1 million cut.

He asked for that funding to be restored. The ORDC, he said, has been involved in the creation of about 50,000 statewide in recent years.

The ORCD has also been able to leverage about \$550 million in additional funding, Mr. Arnold said.


"All those projects involve infrastructure that is seeded here in Ohio," he said.

Subscriber's Note: For full testimony see the [committee's website](#) under June 14.

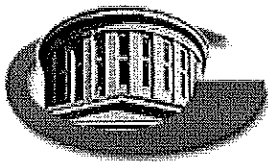
17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed,
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Daily Activity Planner for Thursday, June 15

Legislative Committees

Senate Public Utilities (*Committee Record*) (Chr. Beagle, B., 466-6247), Finance Hearing Rm., 9 a.m.

SB SECURITY RESOURCES (Terhar, L., Peterson, B.) To allow electric distribution utilities to recover **155** costs for a national security generation resource. (3rd Hearing-All testimony-Possible vote)

SB UTILITY RESELLING (Bacon, K.) To regulate the reselling of public utility service. (1st Hearing-**157** Sponsor-Pending referral)

Senate Rules & Reference (*Committee Record*) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 10 a.m.

Senate Session (*Committee Record*) (Chr. Obhof, L., 466-4900), Senate Chamber, 11 a.m.

Senate Finance (*Committee Record*) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 1 p.m. or after session

HB BIENNIAL BUDGET (Smith, R.) To provide authorization and conditions for the operation of state **49** programs. (9th Hearing-Public testimony)

Agency Calendar

State Teachers Retirement System, 275 E. Broad St., Columbus, 8:30 a.m.

Criminal Justice Recodification Committee, South Hearing Rm., Senate Bldg., Columbus, 9:30 a.m.

Criminal Sentencing Commission, Moyer Judicial Center, 65. S. Fourth St., Room 101, Columbus, 10 a.m.

Ethics Commission, 30 West Spring Street, Meeting Room 2, 2nd Fl., Columbus, 11:30 a.m.

Event Planner

Senate Democratic Caucus news conference on budget plan, Harding Senate Press Rm., Statehouse, Columbus, 9:30 a.m.

Sen. Bob Hackett (R-London) fundraiser, Spriggs residence, 330 Eagle Court, Springfield, 5:30 p.m., (\$2,500 Diamond Sponsor | \$1,000 Gold Sponsor | \$500 Silver Sponsor | \$250 Bronze Sponsor | \$100 Supporter to Hackett for Ohio. Special guest: State Auditor Dave Yost, Candidate for Attorney General)

Rep. Steve Hambley (R-Brunswick) and Rep. Darrell Kick (R-Loudonville) fundraiser, Jilbert Winery, 1496 Columbia Road, Valley City, 5:30 p.m., (Sponsor: \$1,000; Patron: \$500; Host: \$250 to Hambley for House Committee and/or Darrell Kick for State Rep)

17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed,
Staff Writers

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Sarah LaTourette Kayser <latoursm@gmail.com>

Sarah, here are your weekly ALEC updates!

1 message

American Legislative Exchange Council <kjohnson@alec.org>
To: latoursm@gmail.com

Thu, Jun 15, 2017 at 12:00 PM

To view this email as a web page, go [here](#).**Digital Exchange - June 14, 2017**

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- Expanding Access to Dental Care in Medicaid Through Market-Based Solutions
- Why the Nation Needs YOU to Drain the Swamp With the Ultimate Tool of Federalism: 4 Perspectives on Article V

- Prescription Drug Abuse: A Collective Approach to Policy Solutions Is Essential
- Beyond the Headlines: The Data and Trends You Need to Know about School Choice
- The Future of Fossil Fuels: How Innovative Technologies will Lower Costs and Solve Environmental Objectives

NEW: Featured Report

State of the States 2017

Jonathan Williams | Joel Griffith | Elliot Young | Christine Smith

July 2017

State of the States

An Analysis of the 2017 Governors' Addresses

NEW REPORT: Released yesterday, by the ALEC Center for State Fiscal Reform includes State of the State or other policy addresses delivered by 50 governors across America. These speeches included numerous economic policy proposals that will affect the states' economic competitiveness. This report observes and analyzes the economic policy proposals discussed in each governor's State of the State address. Click here to find out more.



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Expert Insight

Secretary Zinke Shouldn't Stop With Bears Ears

Kenneth Stein | Task Force Director, Energy, Environment and Agriculture | Environmental Stewardship



On Monday, the Department of Interior announced the interim recommendation of its review process of the Bears Ears National Monument. Secretary Zinke recommended substantially shrinking the monument, noting "designating a monument that—including state land—encompasses almost 1.5 million acres where multiple-use management is hindered or prohibited is not the best use of the land and is not in accordance with the intention of the Antiquities Act." He couldn't be more correct. Click here to find out why.



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Expert Opinion

The Importance of Creating Cognitive Behavioral Therapy Opportunities for Inmates

Sean Smith | Criminal Justice Reform

The ALEC Task Force on Criminal Justice Reform offers expert insight into the importance of offering the opportunity of rehabilitation to inmates so they can become functioning members of society. Click here for more.



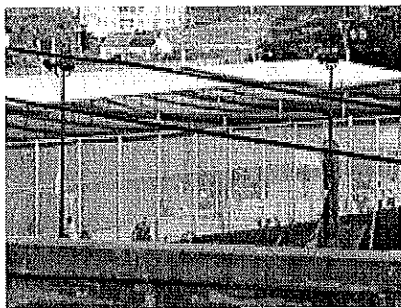
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Featured ALEC Member

ALEC-FreedomWorks Legislator of the Week

Senator Gail Griffin | AZ-14

[Read the Full Bio](#)

Senator Gail Griffin is serving her seventh year in the Arizona State Senate representing the 14th District and her third year as Majority Whip. Outside of her work in the legislature, Sen. Griffin is a Real Estate Broker at Sierra Vista Realty where she has worked for over 40 years. Click here for the full bio.

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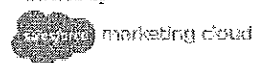
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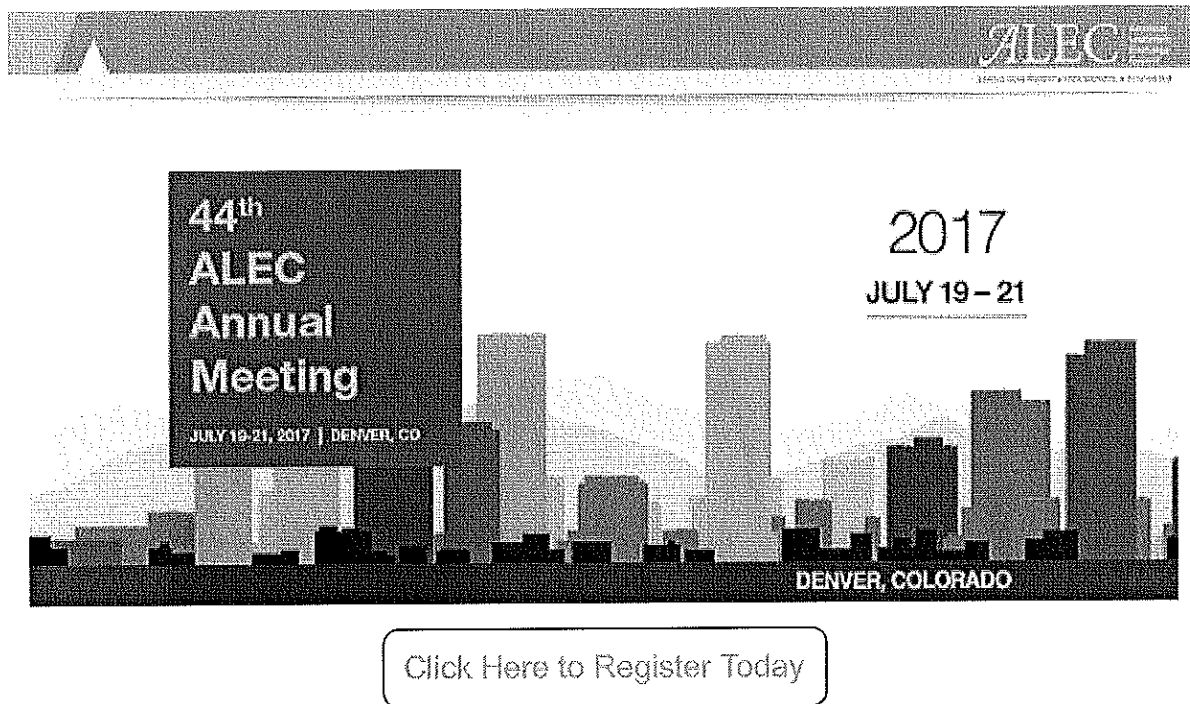
Sarah, here is your sneak peak of the 44th ALEC Annual Meeting Model Policies

1 message

Mia Heck <mheck@alec.org>
To: latoursm@gmail.com

Thu, Jun 15, 2017 at 4:00 PM

To view this email as a web page, go [here](#).



Dear Sarah,

Thank you for being a member of the Task Force on Health and Human Services.

As the Annual Meeting nears, please make sure to take a look at the task force materials below! Included on our task force's webpage are draft agendas for the subcommittees and the task force meeting, as well as a list of the model policies for task force consideration. I look forward to seeing you in Denver, as we discuss a wide range of state-based solutions for some of today's biggest policy topics and hear from a wide range of policy experts.

New Model Policy for Consideration

- Self Sufficiency in Medicaid Act
- The Kinship Care and Fictive Kin Reform Act
- The Foster Youth Driver's License Act
- Pediatric Abusive Head Trauma Education Act
- ALEC Statement of Principles on Repealing and Replacing the Affordable Care Act

Additional Resources

- Sunsetting Model Policy for Review: Health Care Sharing Ministries Freedom to Share Act

7/25/2018

Gmail - Sarah, here is your sneak peak of the 44th ALEC Annual Meeting Model Policies

[Click Here for the Meeting Agenda](#)

[Review the Full List of Model Policies](#)

[Click Here for the Subcommittee Agenda](#)

[Click Here for the Working Group Agenda](#)

See you in Denver!

Mia Heck
Task Force Director
Health and Human Services
mheck@alec.org

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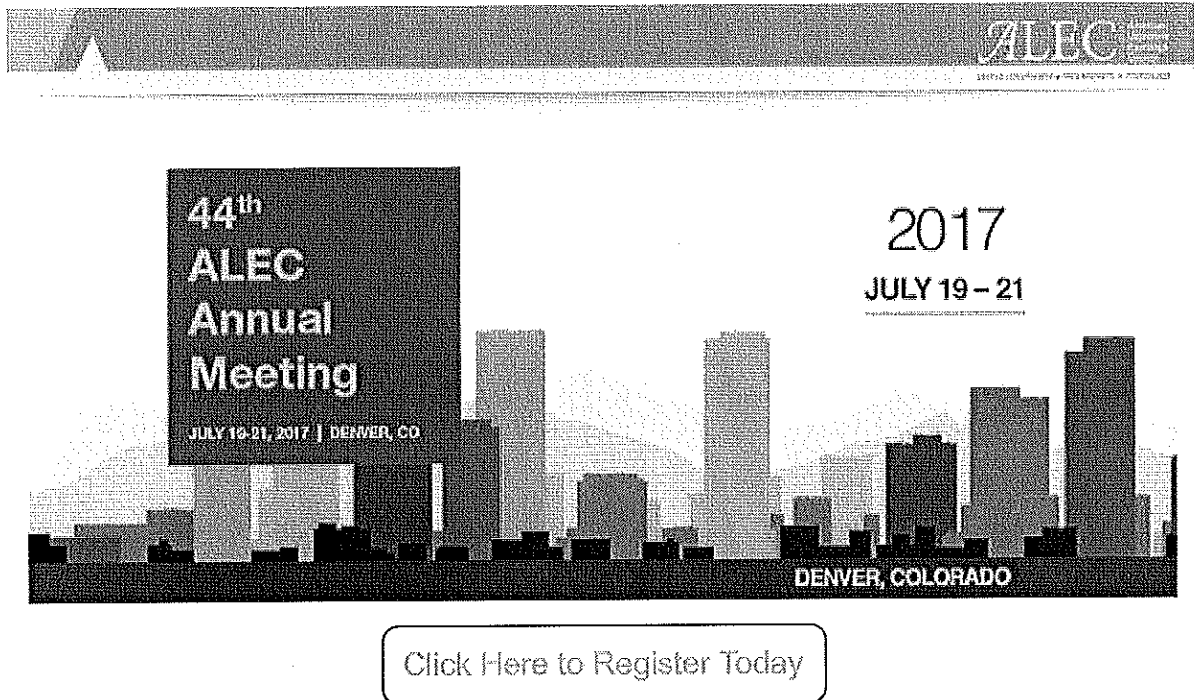
Sarah, here is your sneak peak of the 44th ALEC Annual Meeting Model Policies

1 message

Lisa B. Nelson <lisanelson@alec.org>
To: latoursm@gmail.com

Fri, Jun 16, 2017 at 2:00 PM

To view this email as a web page, go [here](#).



Dear Sarah,

As the 44th ALEC Annual Meeting begins to kick off in full gear, make sure to take a look at the task force materials below to stay ahead of the curve! Included on each Task Force webpage are draft agendas for the subcommittees, working groups and the task force meeting, as well as the model policies in line for task force consideration.

- Civil Justice
- Commerce, Insurance and Economic Development
- Communications and Technology
- Criminal Justice Reform
- Federalism & International Relations
- Education and Workforce Development
- Energy, Environment & Ag.
- Health and Human Services
- Tax and Fiscal Policy

[Click Here for the Full List of Model Policies](#)

While you are busy making plans for your Task Force meetings, make sure to carve out some time for a quick, 20 - minute **CARE demonstration**. If your Task Force meeting is on **Thursday**, our CARE team would be happy to reserve your spot during one of the Friday timeslots. If your Task force meeting falls on

7/25/2018

Gmail - Sarah, here is your sneak peak of the 44th ALEC Annual Meeting Model Policies

Friday, drop by during the Thursday line-up. Click below for the full schedule.

ALEC CARE Demo Schedule

I look forward to seeing you this July, as we discuss a wide range of state-based solutions for some of today's biggest policy topics and hear from a wide range of policy experts.

See you in Denver!

Latour Smith

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Sarah LaTourette Kayser <latoursm@gmail.com>

Innovation Heats Up! and You Can Be Part of It

1 message

American Legislative Exchange Council <kjohnson@alec.org>
To: latoursm@gmail.com

Tue, Jun 20, 2017 at 12:18 PM

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20, 2017



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Meeting
JULY 19-21, 2017 | DENVER, CO

JULY 19-21

EARLY BIRD DEADLINE:
June 6, 2017

HOUSING CUT-OFF:
June 26, 2017

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ALEC Annual Meeting Updates

While you are busy making plans for your Task Force meetings, make sure to carve out some time for a quick, 20 - minute CARE demonstration. If your Task Force meeting is on Thursday, our CARE team would be happy to reserve your spot during one of the Friday timeslots. If your Task force meeting falls on Friday, drop by during the Thursday line-up. Click below for the full schedule.

ALEC CARE Demo Schedule

A Letter From the Desk of Bartlett Cleland

Innovation Heats Up! and You Can Be Part of It

Of the many promises of innovation, no promise likely rises higher than the opportunity to live longer, healthier and more active lives. While advances in entertainment and consumer electronics tend to catch our attention and seem to improve some aspects of our lives almost immediately, advances in health care can often seem remote and harder to grasp. But now and then an advance comes along that is completely obvious in its benefit.

Smoking remains one of the leading preventable causes of death in the U.S. and around the world, for that matter. For years, various products have been on the market to help those who do smoke to kick the habit, but the results have been mixed at best. The fact is approximately 40 million Americans still smoke. That is nearly one out of eight Americans. America needs better options.

As reported by the Royal College of Physicians last year, commenting on what is widely accepted, "Most of the harm caused by smoking arises not from nicotine but from other components of tobacco smoke." This follows the Health and Human Services report that diseases from smoking are directly linked to long term exposure to the toxicants from combustible tobacco products. But it turns out that if instead of burning the tobacco it is heated to where it produces a fine vapor, then the health challenges are vastly reduced. And that is where Philip Morris International (PMI) comes in.

PMI has spent years and invested billions of dollars on "heat-not-burn" technology, working to modify the risk of tobacco products. Their patented product, the Tobacco Heating System, is a rechargeable electronic heated blade that releases the moisture in tobacco to produce an aerosol that tastes like tobacco and hence satisfies smokers. The tobacco never burns. This is innovation bettering the health of those who already choose to smoke.

Now government needs to get out of the way and let the innovation of the free market help address the major health concern of smoking. Congress created a particular means to provide an incentive for innovators to find a way to reduce the harm of cigarette smoking, or as they are called, Modified Risk Tobacco Products. Congress handed the FDA the authority to authorize such life-saving inventions but they must consider the effects of the new products not just on smokers but on the general population. During this consideration risks are weighed against all the benefits of bringing a new healthier alternative to market that holds the promise of actually reducing smoking. So, applications for such products must be approved by the FDA. But while the FDA may be famous for approving new products it is equally infamous for throttling innovation by moving at the speed of government. But when lives are at stake certainly the agency could accelerate its review while continuing to be transparent and fair, somewhat mitigating the slowness of bureaucracy and disregarding partisan politics

You can help push innovation forward, nudge government to move and provide a pathway for millions of American lives to be saved by making available more scientifically substantiated alternatives to smoking available. The public docket is open on modified risk tobacco product applications and you can file comments in support of the free market and innovation. From now until December 12 the FDA is accepting public comments, but the FDA is asking for comments to be filed earlier rather than later. Comments are easily filed [here](#).

Those who believe that the free market is the best solution and that liberty is better than big government must be constantly vigilant in big and small ways. The FDA has provided an opportunity for those favoring innovation to make the case for the free market in improving of our nation's health. Please make that case.

Sincerely,

Bartlett Cleland

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7/25/2018

Gmail - Innovation Heats Up! and You Can Be Part of It

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Sarah LaTourette Kayser <latoursm@gmail.com>

JOIN US! ALEC 44th Annual Meeting & Health and Human Services Task Force

1 message

Mia Heck <mheck@alec.org>
To: Mia Heck <mheck@alec.org>

Tue, Jun 20, 2017 at 1:42 PM

Dear Health and Human Services Public Sector Member:

Thank you for your participation and support of the ALEC Health and Human Services (HHS) Task Force. This email will provide what you need to know about registration and reimbursement, as well as descriptions of all HHS-related programming that will take place during the 44th Annual Meeting in Denver, CO July 19 – 21. If you have already registered please disregard this message, and thank you!

Are you aware ALEC reimburses state legislators for things like travel, hotel, and registration expenses? Speak with your State Chair about getting reimbursed after the meeting. If you have any questions, please contact Spencer Chretien at schretien@alec.org.

At Annual Meeting the HHS Task Force will discuss ***new*** model policy related to:

- Reforms for the Foster Care program;
- States including a work requirement for the Medicaid program;
- First responders and medical professionals being better equipped to recognize and respond to those suffering from shaken baby syndrome; and,
- The ALEC position on the Obamacare repeal and replace federal legislation.

You may review the HHS Task Force Agenda as well as the draft model policy by clicking [here](#). To vote on model policy and engage in discussions on policies that further limited government, free-markets and federalism, register for the ALEC Annual Meeting online by clicking on this link: <https://www.alec.org/meeting/2017-annual-meeting-denver-co/>

No time to register online? Let us help in 3 easy steps:

1. Have your credit card on hand.
2. Call (571) 482-5155 (No answer? We're probably helping someone on the other line. Leave a message and we will call you back.)
3. Answer a few questions & also ensure you have a hotel room reserved for yourself.

ALEC 44TH ANNUAL MEETING HEALTH AND HUMAN SERVICES PROGRAMMING

State Specific Responses to the Opioid / Addiction Crisis Working Group

Wednesday July 19, 2017, 10:00 AM – 10:50 AM

The Opioid and Addiction Working Group is a collaboration between the Health and Human Services and the Criminal Justice Reform Task Forces. The Working Group is open to all registered for ALEC 44th Annual Meeting, and will examine policies relating to and affecting the response to the opioid addiction and overdose epidemic currently plaguing our communities. The program will be hosted by leaders on public policies recently implemented in this space Wisconsin Representative John Nygren and Maryland Senator Michael Hough.

Workshop: Expanding Access to Dental Care in Medicaid Through Market-Based Solutions

Date: July 19, 2017, 3:15 PM—4:30 PM

With the opportunity for states to transition to alternative Medicaid financing arrangements like block grants, determining market-based reforms for public programs has never been more important. Join healthcare experts as they discuss best practices to address access to dental care in Medicaid programs, while offering solutions for state policymakers to consider implementing in their state.

Workshop: Prescription Drug Abuse: A Collective Approach to Policy Solutions Is Essential

Date: Thursday July 20, 2017, 9:30 AM—10:45 AM

Please join us for an interactive discussion about the prescription drug abuse epidemic that claims up to 90 lives in the United States every day. Families, law enforcement, healthcare providers and employers are all impacted when medicines are misused and abused. Experts will discuss potential solutions that lawmakers and all concerned citizens should consider as we strive to stem this epidemic and save lives.

Health and Human Services Subcommittee Meeting Agenda

Wednesday July 19, 2017, 9:00 AM – 9:50 AM

Health and Human Services Task Force Meeting Agenda

Thursday July 20, 2017 2:30 PM – 5:30 PM

Also, we are pleased to share that the American Dental Association will be hosting a reception for HHS Task Force members immediately following our Task Force meeting 7/20; a big thank you to our friends at the ADA!

Let me know if you have any questions and I look forward to seeing you in Denver!

Mia

Mia Heck, MBA

Director, Health and Human Services

7/25/2018

Gmail - JOIN US! ALEC 44th Annual Meeting & Health and Human Services Task Force

2900 Crystal Drive, Suite 600

Arlington, VA 22202

D 571.482.5022

M 210.284.0388



Upcoming Meetings:

2017 Annual Meeting – July 19-21, 2017 – Denver, Colorado

2017 States and Nation Policy Summit – December 6-8, 2017 – Nashville, Tennessee

2018 Spring Task Force Summit – April 27, 2018 – Grand Rapids, Michigan

The American Legislative Exchange Council is a 501(c)3 nonprofit organization and is the largest nonpartisan, voluntary membership organization of state legislators in the United States dedicated to the principles of limited government, free markets and federalism. The Council is governed by state legislators who comprise the National Board of Legislators and is advised by the Private Enterprise Advisory Council, a group of private, foundation and think tank members.



Sarah LaTourette Kayser <latoursm@gmail.com>

House and Senate Floor Reports

1 message

Gongwer News Service <gongwerreports@gongwer-oh.com>

Tue, Jun 20, 2017 at 4:20 PM

Reply-To: gongwerreports@gongwer-oh.com

To: Standard_Subscriber_misc_html@gongwer-oh.com

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HOUSE ACTIVITY REPORT

INTRODUCED AND REFERRED

HCR 12**AMTRAK SERVICE (Sheehy, M.)**

To urge Congress and the President of the United States to support a federal budget that retains Amtrak passenger service in Ohio.

INTRODUCED

HB 278**VEHICULAR ASSAULT (Patton, T., Keller, C.)**

To include negligently causing serious physical harm to a law enforcement officer while operating a motor vehicle or other specified mode of transportation as a violation of the offense of vehicular assault.

HB 279**JOHN GLENN HOME (Hill, B., Rosenberger, C.)**

To require the Ohio History Connection to designate John Glenn's childhood home as a state historic site.

HB 280**MOTORCYCLE PROTECTION (Goodman, W.)**

To permit a person to wear earplugs for hearing

protection while operating a motorcycle.

HB 281**BROADBAND EXPANSION (Carfagna, R.)**

To establish the residential broadband expansion program within the Development Services Agency to award matching grants for last mile broadband expansion in municipal corporations and townships and to make an appropriation.

HB 282**CRIMINAL MISCHIEF (Hambley, S.)**

To expressly prohibit criminal mischief relating to residential rental property and to prohibit a metropolitan housing authority from renting or providing housing assistance to a person who has recently been convicted of criminal mischief relating to residential rental property.

HB 283**ADOPTIONS (Rezabek, J.)**

To require the juvenile court judge to provide written consent to certain adoptions involving abused, neglected, or dependent children.

CALENDAR FOR COMING SESSION

SB 7**PROTECTION ORDERS (Bacon, K., Manning, G.)**

To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.

Wednesday, June 21

HB 41**VOTER REGISTRATION (Pelanda, D.)**

To modify the law concerning challenges to voter registrations, the appointment of observers, and the procedures for processing absent voter's ballots and for casting absent voter's ballots in person.

Wednesday, June 21

HB 60**DRIVER'S LICENSES (Hambley, S., Rogers, J.)**

To authorize the issuance of an enhanced driver's license, enhanced commercial driver's license, and enhanced identification card to facilitate land and sea border crossings between

the United States and Canada and Mexico,
pursuant to an agreement with the United States
Department of Homeland Security.

Wednesday, June 21

HB 69

TIF DISTRICTS (Cupp, R.)

To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

Wednesday, June 21

HB 95

DISTRACTED DRIVING (Hughes, J., Seitz, B.)

To establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.

Wednesday, June 21

HB 145

CONFIDENTIAL TREATMENT (Huffman, S., Sprague, R.)

To provide for the establishment of a confidential program for the treatment of certain impaired practitioners and to declare an emergency.

HB 158

MILITARY TRANSFERS (Perales, R., Craig, H.)

To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

Wednesday, June 21

HB 170

COMPUTER SCIENCE (Carfagna, R., Duffey, M.)

With regard to academic content standards and curriculum requirements for computer science; to revise educator qualifications regarding computer science; to create a competitive technology grant program for the 2018-2019 school year; and to make an appropriation.

Wednesday, June 21

HB 195

WHEELCHAIR TRANSPORTS (Ingram, C., Seitz, B.)

To modify the provisions concerning the transport of persons who require the use of a

wheelchair or other mobility aid in nonemergency circumstances.

Wednesday, June 21

HB 213

REAL ESTATE APPRAISERS (Dever, J.)

To change the definition of "appraisal" for purposes of the Real Estate Appraiser Licensing Law, to make changes to certain procedures and the exceptions to licensure under that law, to regulate appraisal management companies, and to declare an emergency.

Wednesday, June 21

REFERRED

Civil Justice

HB 267

POLITICAL SUBDIVISION LIABILITY (Ingram, C.)

To eliminate certain defenses to political subdivision liability for an employee's negligent operation of a motor vehicle and to reduce damages recoverable against a political subdivision in such actions by the contributory fault of the plaintiff or other parties.

HB 271

ACCESSIBILITY LAWS (McColley, R., Rezabek, J.)

To authorize an alleged aggrieved party to provide a notice of an alleged accessibility law violation in advance of filing a civil action and to establish the circumstances under which an alleged aggrieved party is entitled to attorney's fees in a civil action based on the violation.

Criminal Justice

HB 259

VIOLENCE DATABASE (Seitz, B., West, T.)

To require the Attorney General to establish a database of persons who have committed an offense of violence at an A-1-A, A-1c, or D liquor permit premises and to provide access to the database to holders of those categories of liquor permits.

HB 276

UTILITY WORKERS (Rezabek, J., Greenspan, D.)

To expand the offense of aggravated menacing

to prohibit threatening a utility worker with intent to obstruct the operation of a utility.

Economic Development, Commerce & Labor

HB 263

OUTDOOR DINING AREAS (Lanese, L.)

To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

Energy & Natural Resources

HB 272

HUNTING LICENSES (Householder, L., Kick, D.)

To allow a landowner's grandchildren of any age to hunt or fish on the landowner's property without obtaining a hunting license, deer permit, wild turkey permit, fur taker permit, fishing license, or waterfowl hunting permit, and to allow certain partially disabled veterans to receive a free license, permit, or wetlands habitat stamp.

Government Accountability & Oversight

HB 262

STATE BUDGET (Butler, J., Romanchuk, M.)

To provide for the preparation of a state biennial budget independent of that submitted by the Governor and to authorize the Legislative Service Commission, upon the request of the Speaker of the House of Representatives or the President of the Senate, to arrange for an independent actuarial review of a proposed bill, specified analyses of economic policy initiatives and state benchmarking data, and a study of the state's long-range financial outlook.

HB 274

VOTER REGISTRATION (Clyde, K.)

To modify the circumstances under which a voter registration may be canceled.

HB 277

EDUCATION APPEALS (Seitz, B.)

To stay the execution of certain judgments in favor of the Department of Education during the appeals process.

Health

HB 273**ADMITTING PRIVILEGES (Gavarone, T.)**

To prohibit a physician from being required to secure a maintenance of certification as a condition of obtaining licensure, reimbursement, or employment or obtaining admitting privileges or surgical privileges at a hospital or health care facility.

Insurance**HB 268****WORKERS COMPENSATION (Henne, M.)**

To make changes to the Workers' Compensation Law with respect to self-insuring employers.

HB 269**WORKERS COMPENSATION (Henne, M.)**

To rename the entities who carry out workers' compensation functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits.

Transportation & Public Safety**HB 256****REGIONAL AIRPORTS (Butler, J., Zeltwanger, P.)**

To create the Major Air Hub Council, to require the Council to construct two commercial service airports, one in Fayette County and one in Portage County, and to create the Southern Ohio Airport Authority and the Northern Ohio Airport Authority to operate the airports.

HB 257**ROAD NAMING (Green, D.)**

To designate a portion of U.S. Route 68 in Brown County as the "Army Specialist David Lee Bingamon Memorial Highway."

HB 260**DRIVING PRIVILEGES (Butler, J., Sykes, E.)**

To require a court to grant limited driving privileges to a person in relation to a driver's license suspension under certain circumstances.

HB 261

LICENSE PLATE (Anielski, M., Roegner, K.)
To create the Walsh Jesuit license plate.

HB 264

LICENSE PLATE (Roegner, K.)
To create the "Hudson City Schools" license plate.

HB 265

LICENSE PLATE (Roegner, K.)
To create the "Stow-Munroe Falls City Schools" license plate.

HB 266

LICENSE PLATE (Roegner, K.)
To create the "Twinsburg City Schools" license plate.

HB 270

ROAD NAMING (Smith, K., Rogers, J.)
To designate a portion of I-271 in Cuyahoga County as the "Captain Michael Palumbo Memorial Highway."

HB 275

BRIDGE NAMING (Slaby, M.)
To designate the bridge spanning the Tuscarawas River, that is part of State Route 93 in Canal Fulton, as the "Lance Corporal Michael Stangelo, USMC, Memorial Bridge."

SENATE ACTIVITY REPORT

INTRODUCED

SB 165

BRINE SALES (Dolan, M., Skindell, M.)
To establish conditions and requirements for the sale of brine from certain oil or gas operations as a commodity and to exempt such a commodity from requirements otherwise applicable to brine.

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Sarah LaTourette Kayser <latoursm@gmail.com>

Ohio Report, Tuesday, June 20, 2017

1 message

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To: sml@sarahlatourette.com

Tue, Jun 20, 2017 at 8:03 PM

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OHIO REPORT TUESDAY, JUNE 20

**Senate Panel Reports Budget With Cutoff Date For New Medicaid
Expansion Enrollment**

**Workers' Comp Budget Headed To Senate Floor Over Democrats'
Objections**

Mortgage Lending Bill Gets House Panel's OK

Committee Adds Caps, Delays Vote On OVEC Cost Recovery Bill

House Committee Delves Into School-Funding Overhaul Bill

Witnesses Diverge On Firearm Licensing Proposals

**Advocates Continue Push To Lengthen Sentences For Fire-Based
Assaults**

Proponents Defend Constitutionality Of Latest Abortion Bill

**Agency Briefs: Kasich Makes Himes Permanent ODH Director; ODNR;
MHAS; Labor; OTIC**

**Cleveland State President Announces Retirement; Universities Awarded
Grants To Assist Low-Income Students; Report Criticizes Vouchers**

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The Record of Capitol Square Since 1906

Volume #86, Report #118 -- Tuesday, June 20, 2017

Senate Panel Reports Budget With Cutoff Date For New Medicaid Expansion Enrollment

The biennial budget is headed to the Senate floor after it received another round of extensive changes, including a provision that would cut off new enrollment in the Medicaid expansion population after July 1, 2018.

The Senate Finance Committee accepted the latest revisions to the measure (HB 49), most of which were contained in an omnibus amendment (Senate GOP Synopsis), before reporting it Tuesday evening on a 9-2 party-line vote. Sen. Vernon Sykes (D-Akron) recused himself based on his involvement in a Kent State University program.

The bill is slated for a Senate floor vote Wednesday.

Finance Committee Chairman Sen. Scott Oelslager (R-N. Canton) said the budget reduced overall spending by \$1.055 billion from the as-introduced version. The Senate built on prior reductions made by the House, while significantly changing numerous policy provisions.

Senate President Larry Obhof (R-Medina) said it was the chamber's goal to ensure the budget was balanced.

"I think that things look pretty good right now overall fiscally," he said, adding that the Senate reduced GRF spending in the measure by more than the \$800 million gap that was previously announced. "We are anticipating revenue numbers and Medicaid caseloads coming in this week that will take the gap above that and instead of waiting until conference the Senate tried very hard to make sure that we closed 100% of it this week."

"I've had some very positive conversations with the governor and with the speaker and while we have limited time, I anticipate things going pretty well overall," he added. "I think we're all focused on the same things; on making sure first and foremost that Ohio has a balanced budget and we meet our constitutional requirement but also making sure that we continue to provide the citizens of the state of Ohio with the services they need."

The Medicaid enrollment cutoff would continue open enrollment for a year before preventing anyone new from joining the Group VIII, or expansion, population.

Those already on the program would continue to receive coverage as long as they were enrolled before the cutoff date, Sen. Oelslager told reporters.

He said the change is a way to reduce state spending and also address uncertainty with health care policy at the federal level. The state can revisit the cutoff before the date, he said.

"We had long discussions on how to deal with this issue to be fair to those who are covered and the taxpayers of Ohio," Sen. Oelslager said.

"This freeze will help us evaluate where the budget is a year from now, and more importantly, perhaps, to see what is happening in Washington," he added.

Sen. Michael Skindell (D-Lakewood), the committee's ranking Democrat, said the change will hurt the state's overall health care goals by reducing access to coverage.

"We have deep concerns about not allowing more people on Medicaid moving forward," he told reporters. "It's denying people valuable medical services in the state. Our goal as a state should be to increase coverage for medical care, not to restrict it."

Another Medicaid provision finds a middle ground between the Kasich administration's proposal to move long-term care into managed care and the House's delay of that move until 2021 at the earliest.

The Senate's version creates a Patient-Centered Medicaid Managed Care Long-Term Services and Supports Committee to examine the proposal, which would issue a report no later than the end of 2018. The General Assembly would then have to vote to move the population to managed care.

"We shortened, dramatically, the time the House had," Sen. Oelslager said.

The Senate also eased restrictions the House placed on Medicaid through the Controlling Board, no longer requiring the administration to come before the panel every six months and holding just the state share of the expansion spending in the Health and Human Services Fund, Sen. Oelslager said.

The committee accepted a few separate amendments before the vote, including one that would clarify the wind setback changes in the omnibus amendment to ensure no property owner could waive property rights for neighbors.

Another amendment, offered by Sen. Matt Dolan (R-Chagrin Falls) would change the state's payment to counties and transit authorities for funding lost by the Medicaid managed care sales tax replacement from one payment in November 2017 to half in November 2017 and half in January 2018.

Sen. Dolan said the change helps and is supported by counties, whose fiscal years match up with calendar years. It also creates a difference between the administration and legislative versions of the plan, thereby allowing the conference committee to revisit the issue.

An amendment offered by Sen. John Eklund (R-Chardon) specifies that wages and guaranteed payments paid by a professional employer organization to an investor in a pass-through entity that is a client employer of the PEO may be considered business income, and therefore eligible for the business income tax deduction and 3% tax rate.

Sen. Eklund said the provision is revenue neutral and codifies the way in which the Department of Taxation is treating such income.

Sen. Obhof said he anticipated a productive conference committee after the bill's Senate vote Wednesday.

"By and large, in all of the big-picture areas, you're going to see more similarities than you expect. I think we tried to be collaborative and build off what they had already done," he said.

Omnibus Changes: A sampling of the omnibus amendment changes includes language that:

- Reduces the wind farm setback requirements from the current one and one-tenth times the total height of the turbine to two-tenths the total height as measured from the turbine's base to the tip of its highest blade. It also requires the setback to be at least 1,225 feet in horizontal distance from the tip of the nearest blade at 90 degrees to the exterior of the nearest habitable residential structure rather than the current requirement which is 1,125 feet from the property line of the nearest residence. A last-minute amendment clarifies that an owner can only waive the setback law on their own property.
- Creates civil liability for employers who adopt or enforce a policy prohibiting concealed carry licensees from transporting or storing a firearm or ammunition in the person's privately-owned vehicle.
- Removes language requiring the Public Utilities Commission to research the latest technological and regulatory innovations for the electric distribution system and permitting the PUCO to issue a report

summarizing recommendations for implementing its findings.

- Requires Controlling Board approval for any state agency contract for the procurement of energy for more than \$50,000 over a five-year period.
- Eliminates unitization language under oil and gas laws.
- Specifies that power from small hydroelectric facilities is a renewable energy source.
- Increases GRF funding for \$2.5 million each year for early childhood education.
- Increases the maximum amounts for the Cleveland Scholarship program to match the EdChoice Scholarship
- Creates two alternative graduation pathways for the Class of 2018 as per recommendations from the State Board of Education.
- Replaces a school district's three-year average property valuation with its most recent tax year valuation in FY 2018 and FY 2019 if at least 10% of the district's total taxable value is comprised of public utility TPP and the public utility property has lost at least 10% of its total taxable value from the previous year and the total taxable value of power plants in the district is at least 10% less than the previous year.
- Establishes the 1:1 School Facilities Option Program.
- Adds \$100,000 per year for FASTER Saves Lives, which provides violence response training for school district employees.
- Adds \$250,000 per year for Teach for America.
- Requires appeals of a Board of Tax Appeals decision to be filed at the appellate level instead of directly to the Supreme Court.
- Establishes a procedure for the legislature to review administrative agencies for efficiency.
- Removes a Senate-added provision that requires the Ohio Peace Officer Training Commission to reimburse for continuing professional training programs.
- Removes language requiring DAS to establish a high-deductible health plan.
- Authorizes the use of an electrically powered personal delivery device on sidewalks and crosswalks.
- Clarifies language on the centralized collection of business income taxes.
- Removes language dealing with property tax complaints and appeals.
- Removes Senate-added language dealing with prison populations and their relation to the collective bargaining law.
- States intent with regard to voting machines and specifies that reimbursement for machines are based on the number of registered voters in those counties as of Jan. 1, 2017.
- Exempts people who suffer from mental illness from work requirements created in the Medicaid program.
- Removes a change made by the House setting the Medicaid pharmacy dispensing fee at \$10.49, reverting it to the tiered version set in rule.

- Replaces a Temporary Assistance for Needy Families earmark of \$15 million per year for child and family protective services with the same amount of GRF funds.
- Allows the Board of Pharmacy to impose sanctions against a wholesaler or distributor of dangerous drugs for making false claims to the public about controlled substances.
- Eliminates the proposed creation of a State Physical Health Services Board, keeping the Occupational Therapists, Physical Therapists and Athletic Trainers Board, adding to its duties the regulation of orthotics, prosthetics and pedorthics.

The omnibus amendment also includes several other appropriation changes, some of which provided additional funding for various programs. Those additions include:

- A requirement that the Office of Budget and Management transfer any remaining unobligated cash in the Straight A Fund to the GRF on Jan 1.
- \$25 million over the biennium for tobacco use prevention and cessation efforts, including the Moms Quit for Two program and the Baby and Me Tobacco Free program.
- \$15 million per year increase in the physician upper payment limit line item under Medicaid.
- \$6 million over the biennium for the Oil and Gas Well Plugging Program.
- \$400,000 over two years for the Ohio Parenting and Pregnancy Program.
- \$8 million for Appalachian Workforce Assistance.
- \$300,000 each for Providence House and Blessing House crisis center capital costs.
- Earmarks \$500,000 in TANF funds for the Children's Hunger Alliance.
- Restores \$10 million a year in transfers to the Ohio Legal Aid Fund.
- \$125,000 annually in non-GRF funds for the Lake and Geauga Counties Manufacturing K-12 Partnership.
- \$200,000 for a Financial Literacy Program at the University of Cincinnati.
- \$500,000 in non-GRF for various defense-related workforce efforts.
- \$200,000 for the FASTER Saves Lives Program.
- \$300,000 in capital funds for the Lake Metropolitan Housing Authority Chagrin Riverfront Stabilization Project.
- \$200,000 to promote aerospace efforts.
- \$200,000 for Ohio State University to host Special Olympics.
- \$100,000 per year for the Healthy Food Financing Initiative.
- \$125,000 for a STEAM program at the Trumbull County ESC.
- \$125,000 for Free Clinic Safety Net Services in the Department of Health.

Democratic Amendments: The panel's three Democrats offered dozens of amendments to the bill, nearly all of which were tabled by the Republican majority without comment.

Two amendments offered by Democrats were accepted. One appropriates \$48,831 in funding each fiscal year for the Ohio State University cooperative extension program in Ashtabula County. The other appropriates \$100,000 annually for lupus prevention and awareness.

Sen. Skindell also offered amendments to make the earned income tax credit refundable and remove caps, to cap the sales tax exemption for eyeglasses and contact lenses at \$500 and to add \$40 million over the biennium for public transit.

Another amendment offered by Sen. Skindell would eliminate the tax cut for small business pass-through entities that Democrats have blamed for the state's revenue shortfall.

"What has resulted is a situation in which the state just cannot meet the needs to efficiently deliver proper government services and invest in the proper programs," he said.

Sen. Skindell also proposed an amendment to appropriate \$200 million in Fiscal Year 2019 to provide replacement funding from the Medicaid managed care sales tax. The amendment would use the same formula as that used in the executive budget for FY 2018, but would add another year of replacement funding.

Sen. Dolan said he backed the spirit of the amendment, but that he did not support spending money that the state might not have. He offered instead to continue pushing for an increase in the managed care assessment to cover the cost.

Sen. Charleta B. Tavares (D-Columbus) offered an amendment that would eliminate the requirement for an insurance innovation waiver, restrictions on Medicaid appropriations through the Controlling Board, and the intent to pursue the "Healthy Ohio" waiver.

"Putting barriers on the Medicaid expansion will only create unease with patients and with providers," she said.

Another amendment would have eliminated the Medicaid work requirement, increased physician payments for hospitals who engage in outreach, and required ODM to consider high Medicaid utilization hospitals when setting rates within peer groups.

An amendment offered by Sen. Sykes would have required the Department of Education to distribute money returned to the state from an audit of enrollment records of a community school back to the districts which were originally deducted for payment to the school.

Another Democratic amendment that was tabled would have incorporated legislation (SB 154) using more than \$200 million in Budget Stabilization Fund dollars to fight the opiate crisis.

Democrats also proposed raising fees for the disposal of construction and demolition debris and tires. Sen. Eklund said he believed the amendment was a worthy cause, but that he had some concerns about its mechanisms, and that he believed it should be done as part of a full review of solid waste disposal laws.

Sen. Tavares offered an amendment to require domestic violence and sexual assault awareness education for cosmetologists and barbers.

Sen. Bill Coley (R-Liberty Twp.) said his committee is currently working on a bill (HB 189) regarding cosmetology licensing, and that he would work on potentially incorporating the amendment. Sen. Tavares withdrew her proposal.

Workers' Comp Budget Headed To Senate Floor Over Democrats' Objections

The \$581 million Bureau of Workers' Compensation budget for Fiscal Years 2018-2019 cleared a Senate committee Tuesday absent a controversial House-added provision on illegal aliens.

Democrats nevertheless objected to the measure (HB 27) after Sen. Joe Schiavoni (D-Boardman) attempted to remove language that reduces the time allowed for submitting injury claims from two years to one.

A substitute version (Comparison Document) adopted by the Senate Insurance Committee before the party-line, 10-3 vote to report the bill also axed House language that would have restricted rule changes by state agencies and required preemptive legislative approval.

Key additions to the bill include requirements for BWC and the State Treasurer to tap the State Insurance Fund for the following initiatives: Safety Grants (\$15 million); a Health and Wellness Program (\$6 million) and a Statewide Safety Awareness and Education Campaign (\$2.5 million). Like the SIF, the BWC budget is funded through employer premiums.

The sub bill also deletes a requirement in current law for professional employer organizations to submit supplemental combining schedules with financial statements. And another new provision entails what Sen. Bob Hackett (R-London) described as a technical change impacting PEOs.

Sen. Schiavoni said in arguing for removal of the shortened claims period that he had heard from constituents who wanted to testify on the proposal in separate legislation.

"This is a very serious and significant issue" when it comes to workers being able to participate in the system, he said. Some employees try to work through their injuries because they want to avoid filing a claim and may end up not meeting the new restrictive deadline.

The amendment was tabled along party lines without comment. In previous House deliberations, it was noted that a vast majority of claims are filed within a year. Supporters of the change also argued that it could prevent injuries from worsening over time, resulting in additional costs to the system, and it provided employers with more predictability regarding their claims.

Sen. Schiavoni also offered an amendment that would include corrections workers in BWC coverage currently granted to public safety workers such as EMS employees who come into contact with blood. It was also tabled 10-3 without comment.

Sen. Jay Hottinger (R-Newark), the committee chairman, said after the meeting that the illegal alien language was removed from the bill in part because senators didn't believe there was time to properly vet the proposal given the relatively short period the chamber was given to move the measure.

The ban on BWC coverage for illegal aliens could trigger unintended consequences, he said.

Members also questioned whether the bureau would have the means to enforce the provision, Sen. Hottinger said, noting there are 60-70,000 undocumented immigrants in the state and many are probably working somewhere. "BWC doesn't have that information because there's not an easy way to be able to track that."

While he understood the push for the ban, detractors could argue that BWC is the best way to deal with such workers because otherwise they would end up costing taxpayers in other ways such as indigent care, he said. "If someone is injured, they are going to get treated."

"I'm not hearing from businesses that this is a problem," the chairman added. "Illegal immigration is something that needs to be handled on the immigration front."

Sen. Hottinger, and later Senate President Larry Obhof (R-Medina), indicated the issue was best vetted in separate legislation.

"I think the majority of our members...obviously felt that was the right way to go on that, but I'm sure anyone who is interested in having further discussion on that topic if we have another bill that addresses that we'll have hearings and listen to witnesses and see where we end up," Sen. Obhof said.

Policy Matters Ohio had submitted testimony in opposition to the illegal alien language but ended up not testifying.

Kara Afrates also asked the panel in written testimony to remove that provision as well as the language on the reduced claims period and a House-added modification of firefighter cancer claims procedures.

The bill is slated for a Senate floor vote on Wednesday.

Mortgage Lending Bill Gets House Panel's OK

A bill dealing with the regulation of mortgage loans cleared a House committee Tuesday over the objections of some Democrats who called for stronger consumer protections.

The House Financial Institutions, Housing and Urban Development Committee reported the bill (HB 199) by a 9-3 vote after rejecting four amendments offered by Democrats.

The committee accepted what was described as a Legislative Service Commission technical amendment prior to voting on the measure.

Rep. Kent Smith (D-Euclid), the ranking Democrat on the panel, offered four amendments after Marc Dann, with the Dann Law Firm, testified on the need for provisions helping consumers.

The amendments, all tabled along party lines, would have: added civil remedies for consumers; applied lending practices and debt collection laws to both types of loans covered under the bill; added penalties for unlicensed lending; and prohibited auto title lending.

Rep. Jim Hughes (R-Columbus) said the bill is not designed to create new policy, but rather to clarify existing policy, and that it already includes consumer protections.

Rep. Smith said he supported the intent of the bill and the broader package of bills designed to update lending laws in the state, but that he was not able to back it without additional consumer protections.

Joining the Republicans in the vote to report the bill was Rep. David Leland (D-Columbus).

Mr. Dann said he supports efforts to improve the consumer protections in the bill as it moves to the Senate, saying it currently misses opportunities to better protect borrowers from predatory lending such as auto title loans.

A major concern was that he didn't believe the legislation offered consumers enough protections from unlicensed lenders.

"The risks that exist of unlicensed lenders reaching out to Ohio consumers is significant," he said. "I don't think that 199 in the sub bill form has adequate protections for people who are victimized by unlicensed lenders in the state."

The state needs more staff at the attorney general's office and the Department of Commerce to go after predatory lenders, and he didn't think the legislation would make that happen, he said.

Most states outlaw auto title lending, Mr. Dann said, and the bill could be a vehicle by which the legislature joins them.

"The opportunity to just shut that down I believe is a missed opportunity," he said.

Rep. Hughes said the bill preserves existing consumer protections in current law.

Mr. Dann said it does include consumer protections, but it doesn't include sufficient mechanisms for borrowers to go after predatory lenders. He said he believed the Consumer Sales Practices Act and the Fair Debt Collection Act should apply to both kinds of mortgage loans created under the bill. Doing so, he said, would protect companies that follow the rules.

"It's protection to businesses that operate ethically," he said.

Committee Adds Caps, Delays Vote On OVEC Cost Recovery Bill

A House committee on Tuesday held off on reporting a controversial bill to permit cost recovery for utility owners of the Ohio Valley Electric Corporation in order to buy more time for interested party talks.

Instead, the House Public Utilities Committee adopted a substitute bill ([HB 239](#)) with sponsor [Rep. Rick Carfagna](#) (R-Westerville) promising more changes in the future.

The changes are aimed at mitigating opponent concerns and include a new provision installing a cost caps for ratepayers of \$2.50 per month for residential consumers and \$2,500 for all other customers.

"I think some of the stakeholders disagree the changes reflect what they were intended to do," Rep. Carfagna told reporters. "I think we just disagree on the interpretation of some of the language, but they want to add again some more clarifying remarks in here to try to tighten up some of these provisions."

The bill would create a cost recovery mechanism for AEP Ohio, FirstEnergy, Dayton Power & Light and Duke Energy - all partial owners of OVEC. Proponents say the move would acknowledge OVEC's unique ownership structure while opponents say it will put ratepayers on the hook for supporting a pair of outdated coal plants.

One of the principal updates in the substitute version limits the cost recovery to "prudently-incurred costs." Sponsors during the bill's first hearing said that language was their original intent but that it was mistakenly left out during the drafting process. (See [Gongwer Ohio Report, May 23, 2017](#))

The new language defines those as costs, including deferred expenses, allocated pursuant to a power agreement approved by the Federal Energy Regulatory Commission relating to a national security generation resource and excluding any added return on investment. It also excludes recovery of remaining debt in the event of the premature retirement of such a facility.

Other changes in the sub bill ([Comp Doc](#)):

- Discontinue cost recovery in 2030, rather than the previous version's 2040, without action by the General Assembly.
- Require the Public Utilities Commission to conduct an inquiry in 2029 to determine whether continuing the cost recovery mechanism is in the best interest of the state.
- Require the PUCO to conduct a prudency review to true up and evaluate costs every three years.

Lawmakers met for several hours Tuesday with interested parties, hashing out some of the concerns. Chairman [Rep. Bill Seitz](#) (R-Cincinnati) said talks are now focused on "minor changes," some of which he deems "ridiculous."

"We are going to strengthen the language that says (OVEC owners) cannot get a rate of return or return on equity," Rep. Seitz acknowledged.

Rep. Seitz, who will step down as committee chairman at the end of the month, likened his role in the ongoing negotiations to lion taming. (See [Gongwer Ohio Report, June 9, 2017](#))

"That's this job," he said. "You're a lion tamer. You've got 50 lions around here and you've got to get a bull whip and snap it at them occasionally and say settle down."

Opponents this week stepped up their efforts to protest the bill, with the Ohio Environmental Council Action Fund launching a statewide TV and digital ad campaign blasting the proposal as a move to hike rates on families and divert customer dollars and jobs to the benefit of an Indiana OVEC plant. Sponsors and proponents have denied that the bill would benefit that plant.

OECAF Director Aryeh Alex said the proposals "would send Ohio families' and small business owners' hard-earned dollars to fund poor business decisions made by corporate utilities."

"These rate-payer funded subsidies distort trends in the market that are pushing electric utilities to cleaner, more efficient generation options," he added.

AEP Ohio and the American Petroleum Institute-Ohio submitted written testimony on opposite sides of the issue.

AEP counsel Steve Nourse said OVEC provides more than \$62 million in economic benefit to the state.

"Sub. HB239 should be adopted as a fair-minded solution to follow through on the long-term decisions made when the OVEC plants were built to serve the national security of the United States," Mr. Nourse wrote.

But Chris Zeigler, API's executive director, echoed opponent concerns the bill would undermine the competitive energy market.

"As introduced, House Bill 239 will effectively allow utilities to charge back unspecified costs to ratepayers, while potentially displacing new natural gas-fired power generation and skewing competitive markets," he said. "API Ohio believes that House Bill 239 ensures that additional, unquantifiable costs will be passed on to Ohio ratepayers while discouraging efficient operation of the OVEC plants."

House Committee Delves Into School-Funding Overhaul Bill

The sponsor of a bill that would completely overhaul the state's school funding formula told House Finance Committee members they would be heroes if they adopted a model that relies on a statewide property tax and increased income tax.

Rep. Andy Brenner (R-Powell) on Tuesday gave a broad overview of his 822-page bill, which was first introduced in the waning days of the 131st General Assembly. (See Gongwer Ohio Report, December 15, 2016)

Under his plan, schools would be funded by one statewide property tax rate of 20 mills and dollars generated by an increase in the sales tax from 5.75% to 7.35%.

By moving to a statewide millage rate and eliminating local property and income tax levels, taxpayers would see average cuts to their school property taxes of 49.5%, Rep. Brenner said.

The bill calls for placing the tax funding structure in the state constitution, meaning Ohio voters would have to approve the changes.

The state would also assume all local school board bond debt, which is almost \$1 billion currently, he said. The move could save the taxpayers \$144 million per year in interest payments because the state has a better bond rating than most districts.

The sponsor provided a chart detailing how much each district would receive in state funding under the proposed formula compared to their current funding rates.

Rep. Brenner said he's open to modifications to the bill and maintained that it is meant to facilitate conversations on how to shape a school funding formula that will meet the state's constitutional requirement to provide fair and equitable public schools.

"This bill was written to open the conversation about school funding and get people to think about what is in the best interests of educating children and young adults," he said.

"Just think, this finance committee could solve the long, often heated debate over *DeRolph v. State of Ohio*," he added later. "If you did, you would be heroes to the parents, taxpayers, and most importantly, the students of the state of Ohio."

Currently, the formula is anything but fair, particularly for districts that are growing quickly or are considered wealthy, Rep. Brenner contended.

In his district, Olentangy Local Schools is on the gain cap, resulting in the state sending it about \$50 million less than is called for under the current formula - despite the fact that it's adding about 650 new students each year, he said.

While Olentangy and other wealthy suburban districts like it receive a few hundred dollars in per-pupil funding and aren't eligible for facilities assistance, large urban districts that are most likely to lose students to charter and private schools are receiving per-pupil payments as high as \$10,000 or more, he said.

"How is it we're spending in East Cleveland at \$22,000 per student...and its state report card is still straight Fs for the most part, when we're spending half of that (at Olentangy) with what we do get from the state, leaving it then to our local taxpayers to decide to build a brand new building or not?" He asked.

"It's getting to the point in my school district where we've gotten very close on some of these (ballot issues). We would be in severe trouble with massive overcrowding and that isn't fair to the students or the taxpayers in my district."

Under his formula, students would be base funded at a rate of \$8,200-\$8,400 per year, he said. Those state dollars would follow the student to whichever schools they choose to attend.

"This is actually probably the first system in the state of Ohio that meets the *DeRolph* case...and is fair to all students in every single school district in the state of Ohio," Rep. Brenner said.

Despite the sponsor's optimism, some lawmakers were skeptical about whether high-poverty districts would have the support and resources they need under the plan.

Chairman Rep. Ryan Smith (R-Bidwell) said he understands the sponsor's concerns about high-growth districts getting the dollars they need to accommodate additional students, but is worried about the link between poverty and poorer academic outcomes.

"I have a hard time understanding how we're going to help the poorest of the poor in East Cleveland if we drop them down to the amounts we're going to get," he said, adding: "Comparing Olentangy to East Cleveland isn't even apples and oranges. It's apples and basketballs or something."

Rep. Brenner said his formula still provides districts with additional layered funds on top of the base funding amount for gifted, economically disadvantaged, and disabled students. The Autism Scholarship will still exist in the same amount, but students won't have to apply for it.

He added that more dollars would follow students who leave their traditional schools to attend charter schools, which could result in those students having access to better educational opportunities.

Rep. Mike Duffey (R-Worthington) represents the Worthington Local School District adjacent to Olentangy, which also has a high effective millage rate and receives relatively little state funding.

He said the committee has heard in the past that there is no empirical evidence that more funding automatically equals better student outcomes in high-poverty districts.

Pointing out that rural districts with high poverty rates often perform better academically than urban schools with similar economic makeups, Rep. Brenner agreed that "clearly the correlation of more dollars isn't necessarily there."

"I think the question is how are you utilizing these dollars," he said.

He said districts shouldn't be worried they'll receive less money because the state will be taking on their debt payments, so they'll be able to put all the dollars they receive toward educating students.

Rep. Keith Faber (R-Celina) raised concerns with the state taking on the debt. That's because taxpayers in some districts have supported local options to construct facilities that serve students beyond basic needs, while others have been more conservative or couldn't pass local levies, he said.

"Does that lead to a situation where communities who made (the latter) decision don't have as much?" he said. He also questioned whether high-performing schools will have enough capacity to take on new students who might want to enroll as a result of the bill.

Districts would not be required to open enroll students from outside the current boundaries if they are at capacity, Rep. Brenner said. However, the bill does allow for districts to enter into contracts manage other existing districts.

The sponsor told Rep. Nickie Antonio (D-Lakewood) that the bill doesn't call for standardizing charter and traditional school accountability.

"The funding formula is a funding formula. The accountability comes from the parents making decisions," he said.

Answering additional questions from the panel, Rep. Brenner said the proposed funding formula would work best if the state reduced education mandates and districts found a way to consolidate transportation.

Witnesses Diverge On Firearm Licensing Proposals

A House panel on Tuesday reviewed a quartet of gun-related bills, with opposing sides clashing over one proposal to allow many Ohioans to carry concealed weapons without first securing a license.

The bill (HB 201) was considered by the House Federalism & Interstate Relations Committee.

Witnesses from the Ohio Coalition Against Gun Violence and the Columbus Chapter of Moms Demand Action for Gun Sense in America expressed opposition while representatives of the National Association for Gun Rights and Gun Owners of America lent their support.

Larry Pratt of Gun Owners of America told the panel 12 states have similar laws in place, and each state enacting such a change has seen a decline in violent crime. Ohio, he said, should expect the same result.

Last week's shooting at a Congressional baseball practice was facilitated by the fact that lawmakers attending the event were headed to Washington, D.C. later in the day, which created a "de facto gun-free zone that the dirtbag took advantage of."

If Washington had more relaxed gun laws, he said it is possible that more people who were targeted in the shooting may have had weapons to defend themselves and others.

The witness told Rep. Paul Zeltwanger (R-Mason) that opponent suggestions that eliminating the training requirement would reduce safety are incorrect. He said there is no evidence in the states with "constitutional

carry" that gun carriers are being careless with firearms.

He also told the panel that the designation of gun free zones is problematic. "It's as if we might as well set up a sign that says, 'Murderers welcome,'" he said.

Sarah Mouncey of the Columbus Chapter of Moms Demand Action for Gun Sense in America, told the panel she has already had too many connections to large-scale shootings and the bill would do nothing to reduce gun violence.

She said the proposal eliminates training requirements, lowers the bar for people to carry in public, puts public safety at risk and makes the jobs of law enforcement officials more difficult. Further, she said the large majority of Ohioans oppose permit-less carry. "It is too dangerous for Ohio," she said.

DJ Parten of the National Association for Gun Rights urged the panel to approve the bill without any changes and delivered what he said were 12,000 signatures of Ohioans who support the measure.

He said the measure doesn't allow any person who currently can't carry a weapon to do so, and questioned why Ohio would require citizens to pay a fee if they choose to wear a coat over their gun.

The Ohio Coalition Against Gun Violence's Jennifer Thorne said in opposing the bill that current training requirements are important to make sure people know the rules of safe handling and proper storage and can demonstrate the skills, knowledge and attitude needed to shoot in a safe manner.

She added that current restrictions have resulted in the suspension of 4,300 licenses, revocation of 1,600 licenses and denial of 3,600 licenses between 2014 and 2016.

"What this shows us is that the current concealed-carry licensing system - the only current legal pathway for most Ohioans to obtain concealed carry permits - is catching thousands of people who should not be carrying in public," she said.

The panel also heard testimony on other related legislation.

HB 228: Rep. Terry Johnson (R-McDermott) and Rep. Sarah LaTourette (R-Chagrin Falls) detailed their proposal, which Mr. Johnson said would modernize self-defense laws to authorize law-abiding citizens defend themselves and others.

He said the bill fixes a "broken" section of state law on self-defense and doesn't seek to let "vigilantes" carry out their own form of justice.

Mr. Johnson said the proposal updates key sections of a 2008 law to clarify that a person doesn't have a duty to retreat if he or she are in a place where they are entitled to be.

Rep. LaTourette added that the bill reduces penalties for failing to advise law enforcement of the presence of a concealed weapon and clarifies sections regarding the posting of warning signs regarding guns.

Jim Irvine, of the Buckeye Firearms Association, told the panel the bill fixes mistakes in current law that established onerous restrictions on gun owners.

Ohioans who defend themselves in the face of a potential attack shouldn't be second-guessed after the fact, he said. "That shouldn't be a requirement in our law." He also said drivers who possess weapons shouldn't be penalized for innocent mistakes at a time of a traffic stop.

HB 233: Rep. John Becker (R-Union Twp.) won support of a substitute that he said accepts suggestions from prosecutors but preserves the spirit of the bill.

The changes, he said, add the word "knowingly" in terms of intent and change a proposed penalty of disorderly conduct to trespassing. The new version also changes the term firearm to deadly weapon.

Mr. Irvine also backed Rep. Becker's bill, saying no need has ever been shown for many of the restrictions on firearms. He said the bill overall reduces penalties minimizes the potential that a person would face a crime for taking a gun to a location where they are prohibited.

Mr. Becker said the proposal essentially mirrors TSA policies where travelers are regularly given the opportunity to return a prohibited item to a vehicle or secure location before proceeding to the secure area.

Gary Witt of Ohioans for Concealed Carry supported the proposal, saying it is easy for a person to get distracted and mistakenly take a weapon into a building where guns are prohibited.

Mr. Becker said the current law creates a situation when a gun may have to be returned to a vehicle and be handled unnecessarily.

The sponsor also questioned whether forcing the storage in a vehicle could create an additional safety concern in some downtowns where he said "less than the finest citizens" may be watching a gun be stored.

HB 79: John P. Hagan Jr., a Columbus firefighter EMT, testified in support, saying trained emergency responders would benefit from carrying weapons in cases of active shooters or other large-scale problems.

"It seems that most locales and municipalities are reluctant to implement or allow for their 'tactical medics' to carry a firearm either for political reasons or perceived liabilities," he said. "I believe this bill alleviates this by providing the commonsense guidelines, the necessary training and the oversight needed to implement this as law.

"As a husband and father I exercise my constitutional right to protect my family and myself while not on duty," Mr. Hagan added. "I'm hard pressed to find a reason why I should not be able to do the same when placed in an environment that the likelihood of me needing to do so is greatly increased."

Subscribers Note: Full testimony is available on the [committee's website](#) under June 20.

Advocates Continue Push To Lengthen Sentences For Fire-Based Assaults

Proponents on Tuesday continued advocating for passage of legislation to stiffen prison terms for felonious assaults using accelerants.

Phyllis Carlson-Riehm, of ACTION OHIO Coalition For Battered Women, told members of the Senate Judiciary Committee that the measure (**HB 63**) has the support of the domestic violence community.

The legislation would add an automatic six years onto a felonious assault sentence if the victim is permanently disfigured or incapacitated due to an accelerant being used.

The bill is named for Judy Malinowski, who suffered burns on most of her body after an ex-boyfriend doused her with gasoline and set her on fire.

"Judy didn't deserve what happened to her and didn't cause it. Even with the enactment of 'Judy's Law,' her abuser will never experience what she has been enduring, but at least Ohio law will provide a more appropriate criminal penalty for abusers like Michael W. Slager. With the passage of Substitute House Bill 63, Judy's dream of leaving a legacy in Ohio's law will be realized," Ms. Carlson-Riehm said.

Ms. Malinowski's mother, Bonnie Bowes, said in written testimony that her daughter's injuries have kept her bedridden since the August 2015 incident.

Ms. Bowes said her daughter's medical bills have already topped \$11 million, most of which has been covered by Medicare and Medicaid.

"Does the cost of extended sentences even come close to the cost of care and hospitalization for the countless victims of these repeat offenders like Michael Slager, the man who attacked Judy?" she asked.

After conviction, Mr. Slager received a prison sentence of 11 years.

"The scales of justice are not fair and balanced when the victim receives a life sentence of hospitalization and around-the-clock nursing, and her family, including two young daughters, is forever impacted by indescribable emotional trauma; the loss of their mother/daughter; huge financial cost, and the loss of a career; yet the assailant received just 11 years in prison and can then move on with his life. This is grossly unfair and unacceptable," Ms. Bowes wrote.

Franklin County Prosecutor Ron O'Brien said in many of these cases someone that lives is in many ways worse off than someone that died from their injuries.

Ohio Prosecuting Attorneys Association Executive Director John Murphy said in written testimony that the bill goes in the right direction, but could go farther.

"Frankly, we would like to see a broader application and a higher penalty," he said. "But your bill would at least apply a higher mandatory penalty in these cases."

The panel also received written proponent testimony from Nancy Neylon of the Ohio Domestic Violence Network, Attorney General Mike DeWine and Columbus City Councilman Mitchell Brown.

Ms. Malinowski's daughter, Kaylyn Malinowski, also provided testimony in support of the measure.

Proponents Defend Constitutionality Of Latest Abortion Bill

Anti-abortion advocates on Tuesday backed a bill to outlaw a commonly used form of the procedure.

Proponents of a bill (SB 145) that would ban "dismemberment abortions" likened the procedure to another that was prohibited on the federal level: partial-birth abortions.

Jessica Koehler, director of legislative affairs for Ohio Right to Life, reminded members of the Senate Judiciary Committee that ban upheld by the U.S. Supreme Court.

"Not only is there a strong legal precedent for this legislation, there are also strong ethical and reasons to pass it," Ms. Koehler said. "Ethically speaking, dismemberment abortion simply does not belong in the medical profession, and it does not belong in any part of civil society."

Sen. John Eklund (R-Chardon) questioned how often the procedure is used in the second trimester of a pregnancy.

Ms. Koehler said it is the most commonly used form of abortion in the second trimester.

Melissa Stack, president of the Licking County Right to Life, said dismemberment abortions are typically performed between 13 and 24 weeks into a pregnancy. Infants born as premature as 21 weeks and five days have survived outside of the womb, she said.

Dr. Dennis Sullivan described the procedure as "brutal" and raised the specter that fetuses that far along in development have the ability to feel pain.

He also denied that the measure will place an undue burden on women, which has been a sticking point for court since the U.S. Supreme Court's 1992 decision in *Planned Parenthood v. Casey*.

The bill, Mr. Sullivan said, "is a modest proposal to ban the brutal and gruesome practice of dismembering a live unborn fetus that may experience excruciating pain."

But Sen. Cecil Thomas (D-Cincinnati) noted that several medical groups are opposed to such a ban.

Mr. Sullivan said that there are other forms of abortion available that could be utilized.

Emmarsyn Mysko of Mercer County Right to Life told the panel that about 3,000 dismemberment abortions occur in Ohio each year.

"Most, if not all of those children could feel the excruciating pain of being crushed and ripped limb from limb. The preborn child would feel just as much pain as a grown adult would upon being ripped apart," she said.

Ellen Wittman, president of Students for Life at Miami University's Hamilton campus, downplayed criticism of the measure, taking issue with the idea that it is part of a larger "war on women."

"I propose that the real war on women is being waged against their very nature by the abortion culture. I am calling that abortion victims include the unborn children and their mothers," she said.

"It is assumed that young women want abortion on demand and without apology. But I am writing as proof that that is not the case. My generation is the pro-life generation, and on behalf of all of us, I urge the passage of SB145."

Denise Leipold, executive director of Right to Life of Northeastern Ohio, addressed a protest at last week's first hearing on the bill in which pro-abortion rights advocates dressed as Handmaids from the 1985 book by Margaret Atwood, *The Handmaid's Tale*, which has since been turned into a Hulu television show. (See Gongwer Ohio Report, June 13, 2017)

"The Handmaid's Tale is a futuristic story about an Old Testament inspired military dictatorship filled with social and religious fanaticism taking over the United States with the subsequent removal of women's rights," she said. "The handmaids were a group of women that were kept for reproductive purposes only. The women who showed up here dressed as handmaids seem to forget that we have no such dictatorship here in this country, and that women have all the same rights and freedoms as anyone else."

Written proponent testimony was also provided by Dr. William Polzin, Donna J. Harrison of ProLifeOB/GYNS, Dr. Alicia Thompson of American Association of Pro-life Obstetricians and Gynecologists-AAPLOG, Jennifer Popick of National Right to Life and Jim Tobin of the Catholic Conference of Ohio.

Iris Harvey, CEO of Planned Parenthood Advocates of Ohio, said in a statement that the bill "is just a small piece of a broader effort to end access to safe, legal abortion in Ohio and across the country."

"At Planned Parenthood, one thing remains clear: the doors are staying open. Despite the constant attacks from extremists, Planned Parenthood is focused on continuing to provide life-saving health care like breast and cervical cancer screenings, STI treatment and testing, HIV testing and medically accurate sex education programs for women and men in the community who have turned to Planned Parenthood for those safe, reliable, confidential and judgment-free services for years," she said.

Agency Briefs: Kasich Makes Himes Permanent ODH Director; ODNr; MHAS; Labor; OTIC

Lance Himes has been named by Gov. John Kasich to be director of the Ohio Department of Health, where he has been interim director since March 31.

An attorney with the department for over 13 years, Mr. Himes specialized in environmental health and public health compliance issues. He played a key role in coordinating Ohio's response to the Ebola outbreak in 2014.

Mr. Himes graduated from Wittenberg University with a degree in business and received his law degree from the University of Cincinnati. He practiced law in Cincinnati for seven years, and is a member of the Ohio Public Health Association.

He succeeds Richard Hodges, who resigned from the cabinet-level post earlier this year.

Drilling Activity: Six horizontal permits were issued for the Utica/Point Pleasant wells through the week ending June 17, according to [Department of Natural Resources data](#).

Four of the six permits were issued in Belmont County, with the remaining two issued in Jefferson County.

There are now 2,533 horizontal permits issued, with 2,025 wells drilled and 1,574 of them producing.

Cures Act: The Department of Mental Health and Addiction Services has issued requests for proposals for three funding opportunities through the 21st Century Cures Act, which was signed into law late last year.

The federal legislation makes funding available to state through the Substance Abuse and Mental Health Services Administration (SAMHSA) and the State Targeted Response (STR) Project.

Ohio's STR project is focused on building a community system of care that emphasizes service integration.

The RFPs are available at mha.ohio.gov/curesact.

All proposals must be submitted electronically to: MHAS-OPWGRANTS@mha.ohio.gov by 3 p.m. on July 14. All questions must be submitted electronically no later than 10 a.m. June 30 to OhioMHAS at: MHAS-OPWGRANTS@mha.ohio.gov.

Labor Statistics: Ohio's [civilian labor force estimates](#) have been released for the month of May.

The seasonally adjusted [unemployment rate](#) for Ohio was 4.9%, a 0.1% decrease from April. The U.S. unemployment rate remained lower at 4.3%.

Turnpike and Infrastructure: The commission has released their monthly [newsletter](#) for June, covering topics such as the proper mounting of E-Z pass transponders, the dangers of distracted driving, and speed enforcement in work zones.

Cleveland State President Announces Retirement; Universities Awarded Grants To Assist Low-Income Students; Report Criticizes Vouchers

Cleveland State University President Ronald Berkman on Tuesday announced plans to retire in June 2018.

Mr. Berkman, 70, is the university's sixth president and has served in that role since 2009. He plans to return to CSU to teach following a one-year sabbatical after his retirement, according to the university.

"It's been one of the great honors of my career to lead CSU during an amazing period of progress," he said in a statement. "Thanks to the faculty, staff, trustees and donors, and to the Cleveland community that has embraced us, we've brought 'engaged learning' to life. In so many ways, CSU is a different university than it was in 2009."

The university said it will begin a national search for his replacement next month.

"It's hard to overstate the impact Ron has had on CSU during his tenure," said Bernie Moreno, chair of CSU's Board of Trustees. "He has led the transformation of the University across every dimension, from his focus on student success, to the many innovative community partnerships he's created, to the remaking of the campus and his extraordinary success attracting philanthropy. We will miss having him as president, but we also owe him a huge debt of gratitude for putting us in position to attract a great candidate to succeed him."

Mr. Moreno will chair a search committee that will include members of the university and the community. The board said it also plans to work with a leading national search firm to attract and vet candidates.

Grants: Four Ohio universities have been awarded grants to help low-income students overcome financial barriers to degrees.

The Great Lakes Higher Education Corporation & Affiliates this week announced \$7.2 million in awards for 32 colleges, including University of Akron, Ohio State University, University of Toledo, and Cleveland State University.

The funding will go toward Dash Emergency Grants, which universities can provide to low-income students who are at risk of dropping out because of unexpected medical expenses, such as transportation, housing, medical and child care. The grants, which universities can begin awarding this fall, are typically less than \$1,000.

The initiative is an expansion of a Great Lakes program that has provided \$3 million in grants to 7 two-year colleges to promote retention and completion among low-income students.

According to Great Lakes, participating colleges have reported that students who receive the emergency grants are more likely to stay in school and graduate.

"We're pleased to extend our emergency grant program to four-year colleges dedicated to helping low-income students overcome financial obstacles," Great Lakes President and CEO Richard D. George said. "In addition to helping more students progress to degree completion, we look forward to learning the nuances between programs at two-year and four-year colleges and sharing that knowledge with other institutions looking to establish emergency grant programs."

Report: A new innovation Ohio report calls into questions the effectiveness of the state's school voucher programs, which some lawmakers are looking to expand.

The group's report details the history of the state's voucher programs and highlights how much has been spent on the initiative and an analysis that found students who used vouchers to attend private schools fared worse on state exams.

"After 20 years, what the data indicate is that any proposed expansion is not warranted and, in fact, could have ruinous effects on kids and families in both voucher schools and local public schools," Innovation Ohio's report claims.

Stephen Dyer, education policy fellow for Innovation Ohio, detailed the report in testimony on a bill to expand vouchers (HB 200) before the House Education and Career Readiness Committee on Tuesday.

He said vouchers are now used by students in 83% of Ohio's school districts and that more than \$310 million in per-pupil funding will go to the private schools they attend.

In addition to per-pupil funding, the state also pays private schools auxiliary services payments and administrative costs while districts cover busing costs, Mr. Dyer said. Including those in-direct costs, voucher schools are receiving more than \$568 million in taxpayer money.

"HB200 could financially ruin some local school districts, not produce better outcomes for kids and cost the state potentially hundreds of millions of additional dollars," he told the committee

Meanwhile, Larry Keough, associate director of education for the Catholic Conference of Ohio, and Alyson Miles, deputy director of government affairs for the American Federation for Children, and Greg Lawson, research fellow The Buckeye Institute for Public Policy Solutions, applauded the proposed voucher expansion, which would provide scholarships to all students whose family income is at or below 400% of the federal poverty level.

"The move to an income-based only program is the step in the right direction for Ohio," Ms. Miles said. "Our current programs, while great stepping stones for school choice in this state, leave many students in low and middle income families behind."

Educator Standards Board: The board is scheduled to meet June 22-23 at Quest Business Center in Columbus.

Members plan to discuss assessments for educators, temporary and substitute licenses, the Ohio Teacher Evaluation System, and a licensure code of conduct update. ([Agenda](#))

Survey: The Department of Education is seeking input on proposed revisions to science, social studies, and financial literacy learning standards; which are currently under review. Feedback will be accepted through a [survey](#) that is open now through July 18.

Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the [Gongwer website](#).

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to gongwer@gongwer-oh.com.

Governor's Appointments

Youngstown State University Board of Trustees: Capri S. Cafaro of Hubbard (Trumbull Co.) for a term beginning June 20 and ending June 30, 2026, and Molly S. Seals of Canfield (Mahoning Co.) for a term beginning June 20 and ending April 30, 2024.

Supplemental Agency Calendar

Wednesday, June 21

ABLE Account Advisory Board, 77 S. High St., Rm. 1952, Columbus, 11 a.m.

Thursday, June 22

Southern Ohio Agricultural & Community Development Foundation, Foundation Office, 100 S High St, Hillsboro, 10 a.m. (Board of Trustees)

Educator Standards Board, Quest Conference Center, 8405 Pulsar Pl., Columbus, 1 p.m.

Friday, June 23

Educator Standards Board, Quest Conference Center, 8405 Pulsar Pl., Columbus, 8:30 a.m.

Tax Credit Authority, Rm. South A, 31st Fl., 77 S. High St., Columbus, 9 a.m.

Thursday, September 21

ABLE Account Advisory Board, 77 S. High St., Rm. 1952, Columbus, 11 a.m.

Wednesday, December 13

ABLE Account Advisory Board, 77 S. High St., Rm. 1948, Columbus, 11 a.m.

Supplemental Event Planner

Friday, June 23

Sen. Kris Jordan (R-Ostrander) shooting fundraiser, Black Wing Shooting Center, 3722 Marysville Road, Delaware, 12 p.m., (\$2,500 Sharpshooter | \$1,000 Marksman | \$500 Expert | \$350 Per attendee to Friends of Kris Jordan)

Tuesday, June 27

Sen. Edna Brown (D-Toledo) fundraiser, Einstein's, 41 S. High St., Columbus, 8 a.m., (\$1,000, \$500 or \$350)

Wednesday, June 28

Sen. Vernon Sykes (D-Akron) fundraiser, Market 65, 65 E. State St., Columbus, 5 p.m., (\$1,000, \$500 or \$350)

Wednesday, July 12

Ohio House Democratic Caucus fundraiser, Hilton Downtown Cleveland, Bar 32, 100 Lakeside Ave E., Cleveland, 5 p.m., (Sponsor \$2,500 Host \$1,000 Friend \$500 Guest \$250 to House Democratic Caucus Fund, Friends of Nickie J. Antonio, Friends of Nicholas J. Celebrezze)

Tuesday, August 8

Sen. Bob Peterson (R-Sabina) and Sen. Troy Balderson (R-Zanesville) fundraiser, Mike and Samantha Hartley residence, 403 South Court Street, Circleville, 6 p.m., (\$1,000 Chair | \$500 Host | \$250 Sponsor | \$100 Supporter | \$75 per Couple | \$50 Individual to Peterson for Good Government and Troy Balderson for State Senator)


Thursday, August 10

Senate President Larry Obhof (R-Medina) & RSCC fundraiser, New Albany Country Club, 1 Club Ln., New Albany, 5:30 p.m., (Hosted by Jack Kessler. \$10,000 Event Chair | \$5,000 Event Host | \$2,500 Event Sponsor | \$1,000 Event Supporter | \$500 Attendee to Citizens for Obhof)

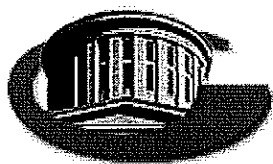
17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

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Senate Activity for Tuesday, June 20, 2017

INTRODUCED

SB BRINE SALES (Dolan, M., Skindell, M.) To establish conditions and requirements for the sale of brine **165** from certain oil or gas operations as a commodity and to exempt such a commodity from requirements otherwise applicable to brine. En. 1509.228.

COMMITTEE HEARINGS

Finance

HB BIENNIAL BUDGET (Smith, R.) To provide authorization and conditions for the operation of state **49** programs. (**REPORTED-AMENDED** (See separate story); 10th Hearing-Possible omnibus, other amendments and vote)

Insurance & Financial Institutions

HBBWC BUDGET (Brinkman, T.) To make changes to the Workers' Compensation Law, to make **27** appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs. (**REPORTED-SUBSTITUTE** (See separate story); 3rd Hearing-Interested party-Possible amendments & vote)

SB RETIREMENT BENEFITS (Hite, C.) To permit, rather than require, the School Employees Retirement **151** System to grant annual cost-of-living adjustments to retirement, disability, and survivor benefit recipients and to reduce the maximum amount of the adjustment. (**CONTINUED**; 2nd Hearing-Proponent)

Richard Stensrud, executive director of the School Employees Retirement System of Ohio, testified in support of the measure, which he noted has been folded into the two-year budget measure (**HB 49**).

Board-approved changes requested through legislation, he said, include:

1. Changing the system's COLA from a fixed 3% annual increase to a COLA based on the Consumer Price Index (CPI-W), with a cap of 2.5% and a floor of 0%.
2. Receiving authority to award or suspend the COLA, or to adjust the COLA above or below CPI-W; however, any adjustment above or below CPI-W could only be enacted if the system's actuary determines it would not materially impair the fiscal integrity of the system, or is necessary to preserve the fiscal integrity of the system.

The Ohio Retirement Study Council reviewed the changes in the bill and approved them with recommendations, the director said. "Furthermore, all of the other Ohio pension systems have amended their COLA statutes in the last several years with provisions similar to what SERS is proposing."

"While our pension fund is stable, we have identified immediate financial challenges and long-term funding goals that require immediate attention to prevent a bigger problem down the road," Mr. Stensrud said.

"SERS' funding policy provides that until the pension is at least 70% funded, employer contribution dollars cannot go into health care. Our actuary estimates the health care fund has seven years of funding, so there is an

urgency to take this action to again enable some funding to go into health care."

While the decision to change the COLA for active members and retirees was difficult, the director said the system's actuary determined that a fair solution needed to include retirees, because more than 60% of the system's unfunded liabilities are attributable to that group versus active members.

"Life expectancy has continued to rise after members retired, and in more and more cases, retirees are living longer in retirement than they paid into the system," he said. "The only way to involve retirees in the funding solution is to make changes to the COLA, because all other options affect only active members. Active members have borne the brunt of past pension changes, and we must ensure when these folks retire they have a pension like that of our current retirees."

Governor's Appointments: The panel recommended full Senate approval of the following governor's appointments: Chauncey Cochran, David Johnson, Peter McLinden and Peggy Griffith to the Bureau of Workers Compensation Board of Directors; Jillian Froment as superintendent of the Department of Insurance; Jason Clark to the Ohio Housing Finance Agency; and James Smail to the Banking Commission.

Ms. Froment testified briefly and answered questions from Chairman Sen. Jay Hottinger (R-Newark) regarding the agency's efforts at submitting a waiver to the federal government on Affordable Care Act provisions.

ODI has instituted the process of applying for a 1332 waiver and has information posted on its website, where people can track the process, she said. A request for Proposals has been issued for actuarial support and she expects the agency will submit related funding requests to the Controlling Board in late summer.

ODI should be able to meet the Jan. 31 deadline for the waiver that's laid out in the biennial budget measure barring any further complications brought on by changes at the federal level that the director said "could put us back a few steps."

Ms. Froment said the original guidance issued by the federal government was restrictive in terms of what states could do under the waiver. Related rules remain in place and are inhibitive to making meaningful changes through the waiver process, she said.

Judiciary

HBAGGRAVATED MURDER (Greenspan, D.) To provide that purposely causing the death of a first responder or military member is aggravated murder and to require an offender to serve the prison term imposed for felonious assault on a peace officer, investigator, first responder, or military member consecutively to the prison term imposed for any related offense. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring Rep. Dave Greenspan (R-Westlake) said the legislation is necessary because attacks on first responders have become more prevalent in recent years.

Currently, Ohio law only covers members of law enforcement.

"This bill includes other public safety forces such as firefighters, EMTs, federal law enforcement offices and members of the military," Rep. Greenspan said. "Additionally, this bill provides strong deterrents to individuals who seek to harm those who see us at our worst, at our greatest times of need and toward those who protect our liberties and freedoms."

Louisiana and Kentucky have passed similar laws, and New York and Missouri have legislation pending.

"Our Bill, HB38, is the most comprehensive bill of its kind in the nation - because it not only covers law enforcement officers both state and federal, firefighters, and EMTs and but it also covers members of the military and provides further protects all groups beyond active duty," Rep. Greenspan said.

HBPRISON TERMS (Hughes, J.) To require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges

■ that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation and to name the act's provisions "Judy's Law." (CONTINUED (See separate story); 2nd Hearing-Proponent)

SB ABORTION (Huffman, M., Wilson, S.) To criminalize and create a civil action for dismemberment 145 abortions. (CONTINUED (See separate story); 2nd Hearing-Proponent)

SB STRUCTURED SETTLEMENTS (Dolan, M.) Relative to transfers of structured settlement payment 152 rights. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring Sen. Matt Dolan (R-Chagrin Falls) said the legislation will align Ohio with the National Conference of Insurance Legislators' model.

Ohio adopted the structured settlement transfer act in 2000, but has not made substantive changes since, he said. "As time goes by, Ohio becomes more and more out of line with the rest of the country."

The measure would: remove dual court approval; eliminate the requirement for mandatory independent professional advice; require the disclosure of effective annual interest rates; requirement an in-person hearing; and add disclosure of prior and attempted transfers.

"The current proposed legislation is a result of the industry returning to Ohio to advocate for amendments to modernize, improve and conform Ohio's act and to recognize efforts of the state's probate judges (the courts responsible for approving transfers) to enact reforms to the structured settlement transfer act in the previous session," Sen. Dolan said.

"Interested parties representing all sides of a structured settlement transfer took part in the discussions that constructed this piece of legislation and I believe enacting these reforms to better align with the NCOIL model would be a positive change for Ohio."

SB ELDER FRAUD (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud 158 and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (CONTINUED; 1st Hearing-Sponsor)

Sen. Steve Wilson (R-Maineville) said in sponsor testimony that seniors lose nearly \$3 billion to fraud each year.

"In my 40-year career in banking, I witnessed daily attempts to financially exploit seniors. As a state, I believe we can do more to ensure that our elders receive the protections they deserve," he said.

Sen. Wilson said the aim of the measure is to knock down barriers to the reporting and investigation of elder fraud through awareness, education and enforcement.

Under the bill, the attorney general's office would be required to publish public service announcements about elder fraud. The legislation would also update the list of mandatory reporters and strengthens penalties.

But Sen. Michael Skindell (D-Lakewood) questioned the public service announcements. He accused Treasurer Josh Mandel of using public service announcements for a disability savings program to further his political ambitions.

"I think it was self-promotion as opposed to promotion of the issue," Sen. Skindell said.

Sen. Wilson said there will be guardrails in place to ensure that the public service announcements serve an educational purpose.

"I feel very comfortable that this provision will provide the education we are trying to achieve," he said.

Sen. Cecil Thomas (D-Cincinnati) asked about the potential for an elder fraud hotline.

Sen. Wilson called the suggestion an excellent idea.


Subscriber's Note: For full testimony see the [committee's website](#) under June 20.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

[Scott Miller](#), President | [Kent Cahlander](#), Editor | [Melissa Dilley](#), [Mike Livingston](#), [Dustin Ensinger](#), [Jon Reed](#),
Staff Writers

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House Activity for Tuesday, June 20, 2017

INTRODUCED AND REFERRED

HCR AMTRAK SERVICE (Sheehy, M.) To urge Congress and the President of the United States to support a federal budget that retains Amtrak passenger service in Ohio.

Federalism & Interstate Relations

INTRODUCED

HBVEHICULAR ASSAULT (Patton, T., Keller, C.) To include negligently causing serious physical harm to a law enforcement officer while operating a motor vehicle or other specified mode of transportation as a violation of the offense of vehicular assault. Am. 2903.08.

HBJOHN GLENN HOME (Hill, B., Rosenberger, C.) To require the Ohio History Connection to designate John Glenn's childhood home as a state historic site.

HBMOTORCYCLE PROTECTION (Goodman, W.) To permit a person to wear earplugs for hearing protection while operating a motorcycle. Am. 4511.84.

HBBROADBAND EXPANSION (Carfagna, R.) To establish the residential broadband expansion program within the Development Services Agency to award matching grants for last mile broadband expansion in municipal corporations and townships and to make an appropriation. En. 122.09, 122.091, 122.092, 122.093, 122.095, 122.096, 122.097, 122.098, 122.0910, 122.0911, 122.0912, 122.0913, 122.0915, and 122.0916.

HBCRIMINAL MISCHIEF (Hambley, S.) To expressly prohibit criminal mischief relating to residential rental property and to prohibit a metropolitan housing authority from renting or providing housing assistance to a person who has recently been convicted of criminal mischief relating to residential rental property. Am. 2909.07 and to enact section 3735.411.

HBADOPTIONS (Rezabek, J.) To require the juvenile court judge to provide written consent to certain adoptions involving abused, neglected, or dependent children. En. 3107.041.

CALENDAR FOR COMING SESSION

SB PROTECTION ORDERS (Bacon, K., Manning, G.) To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.

Wednesday, June 21

HBVOTER REGISTRATION (Pelanda, D.) To modify the law concerning challenges to voter registrations, the appointment of observers, and the procedures for processing absent voter's ballots and for casting absent

voter's ballots in person.

Wednesday, June 21

HBDRIVER'S LICENSES (Hambley, S., Rogers, J.) To authorize the issuance of an enhanced driver's license, **60** enhanced commercial driver's license, and enhanced identification card to facilitate land and sea border crossings between the United States and Canada and Mexico, pursuant to an agreement with the United States Department of Homeland Security.

Wednesday, June 21

HBTF DISTRICTS (Cupp, R.) To require reimbursement of certain township fire and emergency medical **69** service levy revenue forgone because of the creation of a municipal tax increment financing district.

Wednesday, June 21

HBDISTRACTED DRIVING (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a **95** moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.

Wednesday, June 21

HBCONFIDENTIAL TREATMENT (Huffman, S., Sprague, R.) To provide for the establishment of a **145** confidential program for the treatment of certain impaired practitioners and to declare an emergency.

HBMILITARY TRANSFERS (Perales, R., Craig, H.) To permit persons who quit work to accompany the **158** person's spouse on a military transfer to be eligible for unemployment compensation benefits.

Wednesday, June 21

HBCOMPUTER SCIENCE (Carfagna, R., Duffey, M.) With regard to academic content standards and **170** curriculum requirements for computer science; to revise educator qualifications regarding computer science; to create a competitive technology grant program for the 2018-2019 school year; and to make an appropriation.

Wednesday, June 21

HBWHEELCHAIR TRANSPORTS (Ingram, C., Seitz, B.) To modify the provisions concerning the transport **195** of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances.

Wednesday, June 21

HBREAL ESTATE APPRAISERS (Dever, J.) To change the definition of "appraisal" for purposes of the Real **213** Estate Appraiser Licensing Law, to make changes to certain procedures and the exceptions to licensure under that law, to regulate appraisal management companies, and to declare an emergency.

Wednesday, June 21

REFERRED

Civil Justice:

HB POLITICAL SUBDIVISION LIABILITY (Ingram, C.) To eliminate certain defenses to political subdivision liability for an employee's negligent operation of a motor vehicle and to reduce damages recoverable against a political subdivision in such actions by the contributory fault of the plaintiff or other parties.

HB ACCESSIBILITY LAWS (McColley, R., Rezabek, J.) To authorize an alleged aggrieved party to provide a notice of an alleged accessibility law violation in advance of filing a civil action and to establish the circumstances under which an alleged aggrieved party is entitled to attorney's fees in a civil action based on the violation.

Criminal Justice:

HB VIOLENCE DATABASE (Seitz, B., West, T.) To require the Attorney General to establish a database of persons who have committed an offense of violence at an A-1-A, A-1c, or D liquor permit premises and to provide access to the database to holders of those categories of liquor permits.

HB UTILITY WORKERS (Rezabek, J., Greenspan, D.) To expand the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility.

Economic Development, Commerce & Labor:

HB OUTDOOR DINING AREAS (Lanese, L.) To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

Energy & Natural Resources:

HB HUNTING LICENSES (Householder, L., Kick, D.) To allow a landowner's grandchildren of any age to hunt or fish on the landowner's property without obtaining a hunting license, deer permit, wild turkey permit, fur taker permit, fishing license, or waterfowl hunting permit, and to allow certain partially disabled veterans to receive a free license, permit, or wetlands habitat stamp.

Government Accountability & Oversight:

HB STATE BUDGET (Butler, J., Romanchuk, M.) To provide for the preparation of a state biennial budget independent of that submitted by the Governor and to authorize the Legislative Service Commission, upon the request of the Speaker of the House of Representatives or the President of the Senate, to arrange for an independent actuarial review of a proposed bill, specified analyses of economic policy initiatives and state benchmarking data, and a study of the state's long-range financial outlook.

HB VOTER REGISTRATION (Clyde, K.) To modify the circumstances under which a voter registration may be canceled.

HB EDUCATION APPEALS (Seitz, B.) To stay the execution of certain judgments in favor of the Department

277of Education during the appeals process.

Health:

HBADMITTING PRIVILEGES (Gavarone, T.) To prohibit a physician from being required to secure a 273maintenance of certification as a condition of obtaining licensure, reimbursement, or employment or obtaining admitting privileges or surgical privileges at a hospital or health care facility.

Insurance:

HBWORKERS COMPENSATION (Henne, M.) To make changes to the Workers' Compensation Law with 268respect to self-insuring employers.

HBWORKERS COMPENSATION (Henne, M.) To rename the entities who carry out workers' compensation 269functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits.

Transportation & Public Safety:

HBREGIONAL AIRPORTS (Butler, J., Zeltwanger, P.) To create the Major Air Hub Council, to require the 256Council to construct two commercial service airports, one in Fayette County and one in Portage County, and to create the Southern Ohio Airport Authority and the Northern Ohio Airport Authority to operate the airports.

HBBROAD NAMING (Green, D.) To designate a portion of U.S. Route 68 in Brown County as the "Army 257Specialist David Lee Bingamon Memorial Highway."

HBDRIVING PRIVILEGES (Butler, J., Sykes, E.) To require a court to grant limited driving privileges to a 260person in relation to a driver's license suspension under certain circumstances.

HBLICENSE PLATE (Anielski, M., Roegner, K.) To create the Walsh Jesuit license plate. 261

HBLICENSE PLATE (Roegner, K.) To create the "Hudson City Schools" license plate. 264

HBLICENSE PLATE (Roegner, K.) To create the "Stow-Munroe Falls City Schools" license plate. 265

HBLICENSE PLATE (Roegner, K.) To create the "Twinsburg City Schools" license plate. 266

HBROAD NAMING (Smith, K., Rogers, J.) To designate a portion of I-271 in Cuyahoga County as the **270** "Captain Michael Palumbo Memorial Highway."

HBBRIDGE NAMING (Slaby, M.) To designate the bridge spanning the Tuscarawas River, that is part of State **275** Route 93 in Canal Fulton, as the "Lance Corporal Michael Stangelo, USMC, Memorial Bridge."

COMMITTEE HEARINGS

State & Local Government

HB DAY DESIGNATION (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." **229** (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

SBPOLICE CHIEF TRAINING (Hite, C.) To require the Ohio Peace Officer Training Commission to develop **37** and conduct a chief of police training course for newly appointed village, city, and township chiefs of police. (REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible amendments & vote)

Prior to a unanimous report, Rep. Steve Hambley (R-Brunswick) sponsored an amendment that he said would alter the training requirements for law enforcement agencies and include university law enforcement in the bill's language.

SB DAY DESIGNATION (Yuko, K.) To designate July 8 as "Harrison Dillard Day." (CONTINUED (No **62** testimony); 4th Hearing-All testimony-Possible substitute & vote)

Ways & Means

HBVETERAN ORGANIZATIONS (Ginter, T.) To modify the existing tax exemption for veterans **24** organizations' property to include property of certain veterans organizations exempt from federal taxation under section 501(c)(4) of the Internal Revenue Code and to exclude property that is not used primarily for meetings, administration, and the provision of programs and services to past and present members of the United States armed forces. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

The committee tabled a proposed amendment from Rep. Dan Ramos (D-Lorain) that would have inserted language stating a 501(c)(4) group may not have advocated for the election or defeat of any candidates in the prior election in order to be eligible for the exemption.

Federal law permits 501(c)(4) groups to conduct political activity as long as it is not their sole purpose.

"I do have some concern of possibly someone saying fly-by-night we're here to help veterans then it becomes a place to push through dark money," Rep. Ramos said.

Republicans disagreed, voting in unison to table the amendment. Chairman Rep. Tim Schaffer (R-Lancaster) and Rep. Gary Scherer (R-Circleville) said the bill is more narrowly tailored than Rep. Ramos was suggesting.

The bill pertains only to groups that would qualify for exemptions under 501(c)(19) - which are veterans' organizations - but happen to be organized as 501(c)(4)s, Rep. Scherer said.

"It's a very narrow definition," Rep. Scherer said. "The one organization this is aimed to assist already prohibits political activities in its charter."

HBHEATING FUELS (Patterson, J., Cera, J.) To exempt from sales and use taxation the bulk sale of firewood **243** and certain other heating fuels, and to reimburse the Local Government Fund and Public Library Fund and county and transit sales tax collections for the resulting revenue losses. (CONTINUED; 1st Hearing-Sponsor)

Sponsors said the bill, in addition to exempting the bulk sales of firewood and other heating fuels from sales and use taxes, would reimburse the Local Government Fund, the Public Library Fund and county and transit sales tax collections for any resulting revenue losses.

Rep. John Patterson (D-Jefferson) said those heating fuels are a necessary product. Natural gas is not subject to those taxes, he argued, meaning that the bill would create a "level playing field."

"HB243's chief goal is to ease the financial burden on working families," Rep. Patterson said. "Ohioans across our great state continue to reel from the 2008 economic collapse, and recent pass-the-buck budgeting and tax shift policies have benefited the interests of the wealthy few at the expense of working families."

Rep. Jack Cera (D-Bellaire) called the bill "a matter of fairness."

"This is a necessity," Rep. Cera. "A lot of people in my part of the state and in Rep. Patterson's part of the state have no other options to heat their home."

Fielding questions from the panel, sponsors expressed a willingness to expand the bill's language to include other sources such as wood pellets or coal.

Rep. Craig Riedel (R-Defiance) asked whether sponsors would consider removing the language reimbursing communities since a similar reimbursement mechanism does not exist when it comes to natural gas sales.

"We'll consider a lot of things," Rep. Patterson said. "But I also know there's a tipping point. Our schools, our local governments, our county transit. We don't want to further cause economic distress among them but we'll consider anything."

Rep. Cera said he would like to review the forthcoming fiscal analysis before committing either way. "If it's minimal we certainly could go for that," he said.

Subscribers Note: For full testimony see the committee's website under June 20.

Aging & Long Term Care

HB RETIREMENT BENEFITS (Carfagna, R.) Regarding School Employees Retirement System annual cost-
242 of-living adjustments. (**CONTINUED-SUBSTITUTE (No testimony)**; 3rd Hearing-All testimony-Possible
■ substitute & vote)

The committee adopted a substitute bill but stopped short of calling it up for a committee vote. Chairman Rep. Steven Arndt (R-Port Clinton) said that although the bill was marked for a possible vote committee members need more time to draft several potential amendments he expects will be offered. He said it's unclear when the bill's fourth hearing will take place given the focus next week in both chambers on finalizing the budget. Similar language from the Senate version (**SB 151**■) was amended into the biennial budget (**HB 49**■).

The substitute bill makes a handful of modifications including a change making current law's mandatory annual cost of living adjustment of 3% effective until Dec. 31, 2017. (Comp Doc)

The sub version also shifts a pair of the bill's provisions to not take effect until Jan. 1, 2018. Those include language permitting, rather than requiring, the SERS board to grant cost of living adjustments for those receiving retirement allowance, disability benefits and survivor benefits, as well as language requiring the amount of a cost of living adjustment to be equal to the change in the Consumer Price Index not exceeding 2.5%.

The bill update also adds language allowing the SERS board to determine the number of years after which the recipient of an allowance, pension or benefit will be eligible for a cost of living adjustment.

Financial Institutions, Housing & Urban Development

HB CROWDFUNDING (Arndt, S.) To permit intrastate equity crowdfunding under certain circumstances.

10 (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

The committee voted 10-0 to report the bill.

HBMORTGAGE LENDING (Blessing, L.) To create the Ohio Residential Mortgage Lending Act for the purpose of regulating all non-depository lending secured by residential real estate and to limit the application of the current Mortgage Loan Law to unsecured loans and loans secured by other than residential real estate. (REPORTED-AMENDED (See separate story); 4th Hearing-All testimony-Possible amendments & vote)

HBSUBDIVISION INVESTMENTS (Greenspan, D.) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys. (CONTINUED (No testimony); 2nd Hearing-All testimony)

Civil Justice

HB STRUCTURED SETTLEMENTS (Dever, J.) Relative to transfers of structured settlement payment rights. 223 (REPORTED-AMENDED (No testimony) (On House calendar for Wednesday, June 21); 3rd Hearing-All testimony-Possible vote)

Rep. Jonathan Dever (R-Cincinnati) won approval of an LSC technical amendment. The amendment was described as deleting the term "settled claim" because the use of the term in existing law has also been deleted. The amendment also added the phrase "to an assignee" to complete a clause in the bill.

HB MEDICAL PROVIDER IMMUNITY (Cupp, R.) To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (CONTINUED-SUBSTITUTE; 4th Hearing-All testimony-Possible substitute)

Rep. Robert Cupp (R-Lima) explained the substitute version, which he said makes significant changes based on concerns and suggestions from committee members.

Among other things, he said the substitute allows the admission of amounts actually paid for medical procedures and removes the admission of the word "fault" in terms of an apology that may be issued by a medical provider.

The substitute, Rep. Cupp said, also raises the liability standard in cases when there may be a disaster that overwhelms the health care system. Such disasters would have to be declared by a federal, state or local authority, and the higher standard would also apply to advanced practice and registered nurses and emergency medical technicians, he said.

The new bill also includes changes that seek to limit the number of people named in malpractice lawsuits by establishing a timeframe through which additional defendants could be added later. Rep. Cupp said that change is intended to reduce the people who might be named but who had no significant role in treatment.

The substitute also addresses confidentiality of peer review, the sponsor said.

Rep. Kristin Boggs (D-Columbus) said there are positive changes in the substitute but questioned the language regarding apologies from medical professionals.

Finance

HB SCHOOL FUNDING (Brenner, A.) To replace locally levied school district property taxes with a statewide **102** property tax and require recipients of certain tax exemptions to reimburse the state for such levy revenue lost due to those exemptions; to increase the state sales and use tax rates and allocate additional revenue to state education purposes; to repeal school district income taxes; to require the Treasurer of State to issue general obligation bonds to refund certain school district debt obligations; to create a new system of funding schools where the state pays a specified amount per student that each student may use to attend the public or chartered nonpublic school of the student's choice, without the requirement of a local contribution; to eliminate the School Facilities Commission; to eliminate the Educational Choice Scholarship Pilot Program, Pilot Project Scholarship Program, Autism Scholarship Program, and Jon Peterson Special Needs Scholarship Program; to eliminate interdistrict open enrollment; to require educational service centers to transport students on a countywide basis; and to permit school districts to enter into a memoranda of understanding for one district to manage another. (CONTINUED (See separate story); 1st Hearing-Sponsor)

HBCEMETERY REGISTRATION (Stein, D.) To modify duties of the Division of Real Estate in the **168** Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (CONTINUED; 1st Hearing-Sponsor)

In addition to establishing a grant program for non-profit cemeteries looking to renovate and restore properties, sponsor Rep. Dick Stein (R-Norwalk) said the bill also updates cemetery registration language to reflect current practices.

The measure, which is based on an Ohio Cemetery Law Force report and recommendations from 2014, also allows cemetery trust funds to be bonded or insured with appropriate policies and permits trustees to invest funds pursuant to the Ohio Prudent Investor Act, he said.

"This concept is supported by the Ohio Township Association, the Ohio Cemetery Association, and the Catholic Conference," the sponsor said. "The goal of HB168 is to provide an additional funding stream and provide needed assistance for the care and maintenance of public cemeteries; as this important responsibility is mandated by law."

Funding for the proposed grant program would come from \$1 of each burial permit fee, Mr. Stein told the committee. Money will be added to the fund until it reaches \$100,000.

Answering questions from the panel, he said there is no concern among stakeholders that the permit fee fund would be negatively impacted by the shift in dollars and cemeteries could only restore their properties and not use grant dollars to complete basic maintenance.

Criminal Justice

HBCOURT JURISDICTIONS (Craig, H., Seitz, B.) To specify the jurisdiction of municipal and county courts **125** over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court. (REPORTED (No testimony) On House calendar Wednesday, June 21; 4th Hearing-All testimony-Possible vote)

HB CHILD ABUSE REPORTING (Kent, B.) To make municipal and county peace officers mandatory **137** reporters of child abuse or neglect. (CONTINUED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible amendments)

The panel adopted an amendment offered by Rep. Bernadine Kent (D-Columbus) to expand mandatory reporting requirements to all law enforcement officials.

HBPAULDING COURTS (Riedel, C.) To create the Paulding County Municipal Court in Paulding on January 21st, 2019, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, to designate the Paulding County Clerk of Courts as the clerk of the Paulding County Municipal Court, and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2018. (CONTINUED (No testimony); 3rd Hearing-All testimony-Possible vote)

HBWAR RELICS (Schaffer, T.) To prohibit a war relic that is located on public property or on the property of a cemetery association from being sold or otherwise disposed of, or destroyed, relocated, removed, altered, or otherwise disturbed, except under certain circumstances. (CONTINUED-AMENDED; 1st Hearing-Sponsor)

Before hearing testimony, the committee adopted an amendment offered by Rep. Jeff Rezabek (R-Clayton) to limit the definition of war relics.

Sponsoring Rep. Tim Schaffer (R-Lancaster) welcomed the change, saying it will help tailor the legislation to prevent "unscrupulous private dealers and collectors" from hiding war relics from the public.

"It is far from uncommon for these collectors to approach cash-strapped local governments or cemetery associations and offer them what seems like a sizable amount of money for their historic cannons," he said.

"For some of these organizations, it can be an offer too good to pass up. They can erase a deficit by liquidating one of their assets, which may appear on the surface to be a reasonable financial strategy to pursue."

But Rep. Bill Seitz (R-Cincinnati) called for a *mens rea* requirement to be added to the legislation. "I think the defendant needs to know that this is a war relic and is on public property," he said.

While Rep. Schaffer said dealers and collectors know what they are doing, he said he would be open to such an amendment.

HBPUBLIC INDECENCY (Schaffer, T.) To require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender. (CONTINUED (No testimony); 3rd Hearing-All testimony)

SBFELONY SENTENCES (Hackett, B.) To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring Sen. Bob Hackett (R-London) told the story of Destiny Shepherd, who was shaken so badly that she now has permanent disabling brain injuries.

Her assailant faced a maximum sentence of eight years.

Under the measure, courts would be required to tack on a mandatory three to eight years in cases involving felony child endangering or felonious assault on a child who suffers permanent disabling harm as a result.

"Destiny's assailant has since been released from prison while Destiny continues to serve a life sentence due to her permanent brain injuries," he said. "These crimes often involve very young and vulnerable victims who are unable to protect themselves and it is my hope that with this increased penalty that we can prevent and help deter another tragic case like Destiny's."

SBHUMAN TRAFFICKING (Kunze, S., Oelslager, S.) To allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsoring Sen. Stephanie Kunze (R-Hilliard) said the legislation will provide victims of human trafficking with a second chance.

"Despite the progress the state has made in the last few years, our legal system still creates the possibility of compounding the harm to victims," she said. "Because a defendant's information is still accessible as a court record after a dismissal or finding of not guilty, the potential exists for the victim to suffer significant harm if a potential employer or landlord should discover the record as part of a background check."

Under the bill, victims of compelled prostitution, like victims of human trafficking, would be permitted to apply for intervention in lieu of conviction.

"Courts currently have multiple options for prosecuting the perpetrators of these crimes and extending the application for intervention in lieu of conviction to victims of compelled prostitution would add another tool to the court's toolbox for providing adequate victim protection and services," she said.

Subscriber's Note: For full testimony see the committee's website under June 20.

Public Utilities

HBDISASTER WORK (Ryan, S.) To create the Disaster Relief Act to exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster. **(REPORTED; 3rd Hearing-All testimony-Possible amendments, substitute & vote)**

The committee unanimously reported the bill with little discussion. Several entities submitted written proponent testimony for this third hearing, including joint feedback from the Ohio Gas Association, the Ohio Electric Utility Institute, the Ohio Cable Telecommunications Association and the Telecom Association.

Those proponent groups argued that current regulation "impedes and burdens the administration of disaster response efforts."

AT&T Counsel Jon Kelly also wrote in support, saying the state should not erect "unreasonable" barriers to disaster recovery efforts. He said deploying those workers leads to regulatory entanglements in a number of areas including state and local taxes, business licensing, workers' and unemployment compensation, and occupational licensing.

"A person sent in for a few days' work to restore power or telephone service (either landline or wireless) should not be treated as a regular Ohio employee," Mr. Kelly wrote. "And that person's employer should get a 'pass' insofar as Ohio business taxation and regulation is concerned."

The Ohio Municipal League and the Buckeye Institute submitted written testimony as interested parties. OML Executive Director Kent Scarrett said the bill "leaves several unanswered questions that concern Ohio's municipalities."

"How realistic will it be to monitor the individual employees of a business to determine if they qualify?" he asked. "What if an employee worked for another company in the previous year in Ohio and was not part of a disaster relief project? Will a list of employees and their Social Security Numbers be provided from the business

to review if there was withholding in the prior year for any of them? We ask this legislation not be passed before these concerns can be addressed."

HBSECURITY RESOURCES (Smith, R., Carfagna, R.) To allow electric distribution utilities to recover costs **239** for a national security generation resource. (**CONTINUED-SUBSTITUTE** (See separate story); 4th Hearing-All testimony-Possible amendments, substitute & vote)

HBUTILITY LAW (Romanchuk, M.) To require refunds to utility customers who have been improperly **247** charged, to eliminate electric security plans and require all electric standard service offers to be delivered through market-rate offers, and to strengthen corporate separation requirements. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Mark Romanchuk (R-Mansfield) introduced the committee to his bill, which would in part ban electric security plans and create a new Supreme Court mechanism for consumers that have been overcharged to obtain refunds.

Consumer advocates - including the Consumers' Counsel, AARP and other - have already endorsed the bill, which they say will drive down prices, while at least one utility - AEP - has expressed concerns about eliminating ESPs. (See Gongwer Ohio Report, March 26, 2017)

Rep. Romanchuk said ESPs were meant to be temporary in order to ease the transition into a deregulated market. He said the OCC has documented more than \$11 billion in charges through such plans approved by the Public Utilities Committee since 2000.

"At a time when lower prices in competitive electricity markets ought to be reflected in lower electric bills for Ohio customers, anti-competitive provisions of SB221 are depriving customers savings realized from competition in generation markets," the sponsor said.

He further said the bill would clarify that state law forbids utilities and their affiliates from owning generation.

"House Bill 247 is pro-consumer, pro-business, and pro-markets," Rep. Romanchuk said. "It creates an environment conducive to continued business investment, economic growth and job creation."

The Northwest Ohio Aggregation Coalition on Tuesday issued a letter to lawmakers in both chambers and Gov. John Kasich supporting the proposal and bemoaning current energy prices.

"This situation exists because the ESPs allow these companies to engage in self-dealing among their unregulated parent corporation, unregulated subsidiaries and the regulated utility," the letter reads. "As long as ESPs are permitted, these companies will continue their attempts to increase profits by using them."

The committee asked no questions of the sponsor, but Chairman Rep. Bill Seitz (R-Cincinnati) told reporters the bill is full of "intriguing points of view" and that it will receive the "same long due consideration" as other bills before the committee.

Subscribers Note: For full testimony see the committee's website under June 20.

Energy & Natural Resources

HBOIL GAS WELLS (Thompson, A.) To allow a landowner to report an idle and orphaned well or abandoned **225** well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well. (**CONTINUED**; 2nd Hearing-All testimony)

Rebecca Clutter, a volunteer board member of the National Association of Royalty Owners Appalachia Chapter and founder of the Landowners for Energy Access and Safe Exploration, said she regularly hears about idled and orphaned wells discovered on private properties.

Ms. Clutter said she has three on her own Medina County property.

"All three of these old wells are within 100 feet of my house. My adjacent neighbors all have similar issues with active leaks on their properties," she said. "Some of my neighbors have made it onto the plug list while others, including mine, have not. Of those that have made it onto the plug list, no timelines have been provided."

Ms. Clutter said she was advised that delays are related to a lack of funding.

"Bumping the percentage would certainly speed the process of improving the environment. The tax exemption portion of this bill removes the financial hardship from land owners and is critical for accurate reporting," she said.

However, she asked that the severance tax not be increase to pay for additional funding to the program.

Rep. Andy Thompson (R-Marietta) questioned how prevalent the problem of orphaned wells is in Medina County

Ms. Clutter said a nearby property of 19 acres has five wells leaking.

"Chatham Township is considered ground zero for this pretty much," she said.

In a related development Tuesday, the Senate added \$6 million to the well plug fund through an amendment to the biennial budget (HB 49).

Subscriber's Note: For full testimony see the committee's website under June 20.

Economic Development, Commerce & Labor

HB STEEL WELDING (Perales, R., Dever, J.) To establish in the Ohio Building Code requirements 127 pertaining to structural steel welding and bridge welding. (**CONTINUED**; 2nd Hearing-Proponent)

William Woodward, president of the Iron Workers District Council of Southern Ohio and Vicinity, said the bill would eliminate fraudulent certification methods used by unscrupulous contractors by mandating on-site and in-person certification, as well as third-party welding inspections. He gave several examples that show the lack of certification oversight, including a deceased man's certificate being used for years after he died.

"Another way of cheating the system is to have someone take the test for you and then take it to a non-accredited facility for testing. This has resulted in Henry Wolfe, Robert Dash, Adam Barker, and Stewart Noon getting welding certifications," he said. "The problem is - these are three dogs and a cat that are legitimate certified welders."

The committee members asked many questions regarding the proper procedure for welding certification. Mr. Woodward explained that a certified welder ought to complete four years of school and then take a test at an accredited testing facility in the presence of a qualified inspector.

HB FLU VACCINES (Hagan, C.) To prohibit an employer from taking an adverse employment action against a 193 person who has not been or will not be vaccinated against influenza. (**CONTINUED**; 3rd Hearing-Opponent)

Dr. Sherman Alter, a member of the Ohio Chapter of the American Academy of Pediatrics, argued that the bill would prevent hospitals from fully protecting vulnerable patients from influenza.

"I do understand concerns over personal freedom that arise from workplace requirements for vaccination," he said. "However, patients have the right to safe healthcare, which includes prevention of hospital-acquired infections."


Before his hospital mandated employee vaccinations, Dr. Alter said, there was an outbreak of the flu in the neonatal care unit that was spread to the infants by an unvaccinated employee. He said vaccination requirements might have prevented that situation.

Many members of the committee expressed their concern about a universal, absolute vaccination requirement for employment. Chairman Ron Young (R-Leroy) expressed his discomfort at the idea that hospitals have a "*carte blanche*" to mandate vaccinations, and that such "draconian requirements" seem to infringe upon employees' freedom. Dr. Alter said that his hospital did allow exemptions for certain employees, and only two employees were ultimately terminated after much discussion with them and their families about their refusal to receive the vaccine.

Rep. Scott Lipps (R-Franklin) was concerned that Dr. Alter was "downplaying" the risks of vaccination for individuals who have had Guillain-Barré syndrome or are pregnant. Dr. Alter replied that there is "no proven link" between vaccines and the syndrome, and he does not know of any adverse effects experienced by vaccinated pregnant women.

In response to Dr. Alter's anecdote of five reluctant pregnant employees whom he convinced to receive a vaccination, Rep. Lipps was suspicious of their unanimous acceptance and asked if Dr. Alter would call his actions "persuasion or coercion." Dr. Alter assured him that all he did was provide the women with information.

Rep. Michele Lepore-Hagan (D-Youngstown) asked if Dr. Alter might be willing to accept an alternative to vaccination in the bill, such as the ability for hospitals to mandate the wearing of masks for the unvaccinated. Dr. Alter said it would not be nearly as effective as requiring flu vaccines, and it would be much more difficult to monitor and enforce.

HB HOME INSPECTORS (Hughes, J.) To require the licensure of home inspectors and to create the Ohio **211** Home Inspector Board to regulate the licensure and performance of home inspectors. (CONTINUED; 2nd  Hearing-Proponent)

Pete Kopf, president of the Ohio Association of Realtors, supported the licensing of home inspectors to provide consumers with a basic level of protection against inspectors who perform poorly. He offered Kentucky's inspector licensing law as a good example of what should be established in Ohio law.

"The Kentucky Home Inspector Licensing Law requires home inspectors to be licensed and defines the requirements of licensure," he said. "My experience since the enactment of this statute has been the clarity in seeing how the Kentucky Licensing law brings a high level of consistency to home inspection reporting and ensures the quality of each inspector by setting minimum standards."

Rep. Brigid Kelly (D-Cincinnati) asked what happens under current law if an inspector performs an insufficient inspection. Mr. Kopf said there is generally a contract which will ensure that the consumer is reimbursed the cost of the inspection, but it does not help the consumer to recuperate the cost of the overlooked problem.

Anjanette Frye, treasurer of the Ohio Association of Realtors, emphasized the importance of the inspection process when consumers are buying homes.

"The home inspection report is one of the important components in determining the value, and condition of the property at the time of sale," she said. "Licensing home inspectors will provide consumers with a minimum basic level of protection in the largest investment they will make in their lifetimes."

Rep. Steven Arndt (R-Port Clinton) wondered how expertise could be ensured in so many disciplines, such as plumbing and electricity. Ms. Frye said the regulation will give inspectors a minimum level of expertise in all areas, and inspectors can request further review if an issue is outside of their scope.

Tiffany Meyer, president-elect of the Ohio Realtors, said the standards for inspectors should be enough to protect consumers and ensure quality, but not so stringent that there would not be enough qualified inspectors to meet

demand.

"During strong real estate markets we need to ensure that we maintain a healthy level of available inspectors, but these are also the times consumers face the greatest risk with new entrants into the profession without the training or experience to properly serve the client," she said. "Certainly, the standards must be meaningful, yet attainable, and provide consumers a level of confidence in the inspector they have chosen and that there are adequate protections in place."

Chris Reese, treasurer-elect of the Ohio Realtors, provided an example of an unlicensed inspector costing his clients thousands, yet continuing to perform inspections with impunity and without oversight.

"If the home inspector's assessment is wrong, the homeowner may face thousands of dollars in repairs with no recourse against the inspector," she explained. "With no license to suspend or revoke, or additional education to be required, anyone that calls themselves a home inspector can continue to practice in this field."

Rep. Lepore-Hagan asked why anyone would be opposed to the bill. Ms. Meyer suggested there would always be companies that oppose expanded government regulation, but in this case it is necessary to protect consumers.

HBFLAG DISPLAY (Gonzales, A., Ginter, T.) To prohibit manufactured home park operators, condominium **230** associations, neighborhood associations, and landlords from restricting the display of the thin blue line flag. **(CONTINUED; 2nd Hearing-All testimony)**

Retired Columbus Police Sgt. Daniel Guthrie told the committee that his housing association filed a formal complaint against him for his flying of the thin blue line flag. He claimed that the flag was not a "desecration" of the American flag, but a way to honor the sacrifice of law enforcement officers.

"With the deaths and illnesses of so many truly professional police officers throughout the United States protecting all individuals they most likely had never met before, the thin blue line flag provides those individuals from all walks of life a personally proud opportunity to pay tribute to the men and women in blue," he said.

HBCALL CENTERS (Bocchieri, J., Lepore-Hagan, M.) To enact the Consumer Protection Call Center Act of **2452017** to require the Department of Job and Family Services to compile a list of all employers that relocate a **call center** to a foreign country and to disqualify employers on that list from state grants, loans, and other benefits. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsor Rep. John Bocchieri (D-Alliance) called the bill "pro-Ohio" and "job-saving," and said it ensures state taxpayer dollars are supporting companies that hire within the state.

"The state should not be bankrolling companies that allow our families and state economy to suffer in this way," he said. "I believe the strong disincentive of relinquishing a company's eligibility for state resources and contracts will go a long way to deter companies from outsourcing our call center industry."

Rep. Dave Greenspan (R-Westlake) asked if a company that outsourced 25% of its call center employees would be disqualified. Rep. Bocchieri clarified that a company would have to relocate 30% or more of its employees to be disqualified from the benefits.

Co-sponsor Rep. Lepore-Hagan reiterated the economic dangers of outsourcing, and explained the additional risks regarding cybersecurity. She said fraud and identity theft are more prevalent in developing countries, where data protection laws are weak or non-existent.

"I want to emphasize that this is not an idle threat," Rep. Lepore-Hagan said. "To date millions of American citizens and numerous companies and other entities have been victimized by cyber-criminals who have obtained private data by hacking into or hijacking systems located in the Philippines, India and other nations that host call centers once located in the U.S."

Subscriber's Note: For full written testimony, see the committee's [website](#) under June 20.

Federalism & Interstate Relations

HB CONCEALED WEAPONS (Hood, R., Brinkman, T.) To allow a concealed handgun licensee to carry **201** concealed all firearms other than dangerous ordnance or firearms prohibited by state or federal law; to repeal the requirement that a licensee stopped for a law enforcement purpose promptly inform an approaching officer if the licensee is carrying a firearm and provide for expungement of convictions based on a violation of the requirement; and to provide that a person age 21 or older and not prohibited by federal law from possessing or receiving a firearm does not need a concealed handgun license in order to carry a concealed firearm and is subject to the same laws regarding concealed firearm carrying as a licensee. **(CONTINUED-See separate story; 3rd Hearing-All testimony)**

HB GUN LAWS (Johnson, T., LaTourette, S.) To assign to the prosecution the burden of disproving a self-**228** defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. **(CONTINUED-See separate story; 1st Hearing-Sponsor & proponent)**

HB FIREARMS (Becker, J.) To enact the "Decriminalization Effort For Ending Notorious Deaths (DEFEND)" **233** to provide an opportunity for a concealed handgun licensee or qualified military member to avoid guilt for carrying a concealed handgun into a prohibited place if the person leaves upon request, and to penalize as disorderly conduct failing to leave upon request or returning with a firearm. **(CONTINUED-SUBSTITUTE-See separate story; 2nd Hearing-Proponent)**

HB FIREARMS TRAINING (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical **79** professionals; to permit such a professional who has received that training and has been authorized by the law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee. **(CONTINUED-See separate story; 2nd Hearing-Proponent)**

Education & Career Readiness

HB COMMERCIAL DRIVER STUDENTS (Smith, R., Manning, N.) To establish the Commercial Truck **154** Driver Student Aid program and to make an appropriation. **(RE-REFERED; 3rd Hearing-All testimony-Possible substitute, amendments & vote)**

The bill was re-referred to Rules so it can be sent to Finance, which reviews all bills with appropriations.

Ezra Escudero, Ohio Coalitions Director of Americans for Prosperity, opposed the measure, saying that government financing of a specific vocational program could result in cost increases.

"It's no accident that the cost of college tuition started to skyrocket as the federal government became more and more involved in the financing of higher education. Specifically, as the government began providing guaranteed loans to students, colleges responded by raising their prices, causing students to take on more and more debt," he said.

The same can be said for vocational programs as well, Mr. Escudero said. For example, cosmetology school prices have increased since students became eligible for loans.

"Rather than simply passing a well-intentioned program that will increase student debt and decrease affordability, Ohio should look towards alternative educational approaches that would increase access while not increasing costs," he said.

Rep. Ryan Smith (R-Bidwell) said he didn't understand why the group would be opposed to the bill since it will provide jobs and, therefore, prosperity.

There are other ways to provide opportunities for individuals looking to earn a CDL, Mr. Escudero said, suggesting companies looking for employees cover the cost of training, offer signing bonuses and run co-op programs.

"We think more can still be asked of the industry to step up," he told the panel.

Rep. Smith also questioned the witness' comparison of the grant program to those for higher-education.

"I think it's a stretch to compare this type of program to a four-year college and the debt load of that," he said.

Mr. Escudero disagreed, saying that higher education institutions will be the ones offering the CDL training programs.

Meanwhile, Kent Trofholz, executive director of the Ohio Association of Career Colleges and Schools, applauded the bill.

"HB154, when enacted, will undoubtedly address the shortage Ohio employers are experiencing for trained CDL drivers," he said in written testimony, adding that the bill is "a part of a comprehensive effort to address current challenges facing Ohio businesses."

SBSCHOOL TECHNOLOGY & SAFETY (Gardner, R., Terhar, L.) To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. **(REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible substitute, amendments & vote)**

The committee accepted an amendment to permit districts that have receive funds under the school building emergency assistance program to be eligible for the program as long as they haven't also received funds through the classroom facilities assistance program.

HB SCHOOL ASSESSMENTS (Hood, R., Brinkman, T.) With regard to the state academic content standards **181** and primary and secondary education assessments. **(CONTINUED-AMENDED (No testimony); 3rd Hearing-Possible amendments)**

Democrats objected to an amendment that was ultimately approved to make several changes to the bill.

A Legislative Service Commission representative explained that the updated version of the measure prohibits the use of AIR exams and prohibits the State Board of Education from adopting the use of common core standards. In fact, the amendment eliminates the board's authority from proposing standards that must be adopted by schools.

The wide-ranging amendment also allows parents to determine whether their children should be promoted to third grade after failing to meet required scores on third-grade reading exams.

Contracted individuals are prohibited from sharing personally identifiable student information under the bill as well.

Further changes include: removing references to scores in ranges of performance levels; revises the deadline by which the General Assembly must take action when standards are proposed; and revises the definition of norm-referenced.

HBSCHOOL CHOICE (Koehler, K.) To eliminate the Educational Choice Scholarship Pilot Program and Pilot **200**Project Scholarship Program and to create the Opportunity Scholarship Program. **(CONTINUED-SUBSTITUTE; 5th Hearing-Possible substitute & amendments)**

The committee adopted a substitute measure from the bill's sponsor Rep. Kyle Koehler (R-Springfield) that allows students only to spend money in their proposed education savings accounts while they're attending K-12

schools.

Any money that was not used on tuition or education-related expenses by graduation would be forfeited and sent back to the state, he said.

The latest iteration also keeps in place a 60,000 cap on the number of students who can use the voucher program and clarifies when students can apply and be accepted for the proposed scholarships.

Rep. Koehler said the aforementioned cap can be increased each year by 10% if the program is at 90% capacity.

"This should alleviate concerns in a large increase in enrollment and help budgeting in future years," he said.

Lawmakers spent most of Tuesday's meeting questioning those who testified on the bill, including proponents Larry Keough, associate director of education for the Catholic Conference of Ohio, Alyson Miles, deputy director of government affairs for the American Federation for Children, and Greg Lawson, research fellow for the Buckeye Institute for Public Policy Solutions.

The committee also heard from Stephen Dyer, education policy fellow for Innovation Ohio, who detailed his group's latest report, which criticizes plans to expand the state's voucher programs (*See separate story*)

Yitz Frank, Ohio director of Agudath Israel of America and Kathleen Knight Abowitz, an educator from Oxford, also provided written testimony on the bill.

HB COMMUNITY SCHOOLS (Leland, D.) With regard to the use of funds by community schools and **220** nonpublic schools. (CONTINUED; 1st Hearing-Sponsor)

The bill would improve transparency by permitting the state auditor to track all taxpayer money received by private, for-profit schools, sponsoring Rep. Dave Leland (D-Cleveland) said.

Sparked by a recent editorial claiming the Electronic Classroom of Tomorrow paid nearly \$200 million in management fees to for-profit companies owned by the school's founder, Rep. Leland said the bill clarifies that money charter schools receive from the Ohio Department of Education are public funds, and remain public even when they're paid to private companies.

"Ohio taxpayers deserve a full and complete accounting for every one of their hard-earned dollars invested in education, whether the money is directed to public school districts or charter schools," he said. "Charter schools and their management companies shouldn't be able to hide their spending of any of the public funds they receive behind closed doors."

"Given the fact that Ohio is in the middle of an almost \$1 billion budget shortfall, it is now more important than ever to make sure taxpayer dollars aren't wasted or misused," he added.

Rep. Leland told the panel that management companies currently aren't required to provide detailed accounting unless charter schools send more than 20% of funding to them. That means there is no way to tell how the management company is spending state dollars to operate and maintain public schools, he said.

Rep. Leland said his bill doesn't attempt to judge whether spending is justified, but rather simply make details of spending public.

"I just want all the schools to be playing by the same rules and I want every tax dollar to be accountable to the taxpayers of the state of Ohio," he said.

Rep. Teresa Fedor (D-Toledo) requested that the sponsor gather details about which types of charter school expenditures are made public and which are not.

HB EDUCATION PLAN (Gavarone, T.) Regarding procedures for approval or disapproval of the state

235 education plan for the federal Every Student Succeeds Act. (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible substitute, amendments & vote)

HB COMMUNITY SCHOOLS (Hambley, S.) Regarding verification of community school enrollments. **21** (**CONTINUED-SUBSTITUTE**; 2nd Hearing-All testimony-Possible substitute & amendments)

The bill's sponsor, Rep. Steve Hambley (R-Brunswick) explained the accepted substitute measure, which requires charter schools to review residency records monthly and report enrollment of an annual basis to be verified with the Ohio Department of Education.

Charter schools are permitted to set their own policies as to how to determine residency and what documents will be used for verifying it annually under the sub bill, he said.

School districts don't have a right to change or challenge the policy, but are permitted to challenge a residency determination, Rep. Hambley said. The latest version of the bill creates a process including ODE and the superintendent of public instruction for settling a dispute between schools.

Matthew Dotson with the Ohio Education Association said the current reporting process is "flawed" and would be improved by the bill's provisions.

"Ohio's system of verifying the residency of charter school students is inefficient, invites inaccuracy and places an undue burden on local school districts," he said in written testimony. "Accurate reporting of the residency of students who attend a charter school is important because it determines how much funding a school district will lose as a result a student's transfer to a charter school."

"Currently, the responsibility for verifying the district residency of charter school students falls almost exclusively on individual school districts," Mr. Dotson wrote. "This approach is flawed because school districts cannot always get access to the proof of residency a student has submitted to a charter school."

Districts lose contact with students once they've decided to attend charter schools and aren't often notified when they move outside the district boundaries, he said.

Under the bill, charter schools would be responsible for verifying residency and districts would be able to review and dispute residency claims.

"Improving the residency verification process will serve the educational interests of school districts, charter schools, students and taxpayers," Ms. Dotson said.


Subscribers Note: Full testimony is available on the committee's [website](#) under June 20.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | **Fax:** 614-221-7844 | **Email:** gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

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